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FURTHER PROMOTION AND ENCOURAGEMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING THE QUESTION OF THE PROGRAMME AND METHODS OF WORK OF THE COMMISSION

HUMAN RIGHTS, MASS EXODUSES AND DISPLACED PERSONS

Internally displaced persons

Report of the Representative of the Secretary-General, Mr. Francis M. Deng, submitted pursuant to Commission on Human Rights resolutions 1993/95 and 1994/68

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Introduction

1. As the mandate of the Representative of the Secretary-General on internally displaced persons enters the end of its second phase, it is an opportune time to take stock of what has been accomplished so far and of the challenges ahead for enhancing international protection and assistance for the internally displaced. It can safely be reported that significant progress has been made over the last few years, but that a great deal remains to be done to establish and consolidate the normative, institutional and operational frameworks required for an effective system of protection, assistance and sustainable development for internally displaced persons, both as separate groups and as integrated members of the wider community. In the long run, the challenge will require major innovations in the international system, but in the short term, there are a number of practical steps that can be taken. These steps should focus on strengthening and making more effective use of existing law and institutional capacities.

2. Since the appointment of the Representative, his role as defined by the various resolutions of the Commission on Human Rights and the General Assembly, as well as by the guidance of the Secretary-General himself, has evolved into one of a catalyst, a liaison, and an advocate for the displaced. What is now needed is to enhance the capacity of the mandate to expand, deepen and consolidate its conceptual and operational functions in order to optimize its effectiveness in achieving the objectives for which it was created.

3. It will be recalled that the Commission on Human Rights at its forty-eighth session in 1992 requested the Secretary-General to appoint a Representative to study the human rights issues related to internally displaced persons, and that following the submission of the Representative's comprehensive study in 1993 (E/CN.4/1993/35, annex), the Commission extended his mandate for another two years. In compliance with the most recent resolutions of the Commission (1994/68) and the General Assembly (48/135), the Representative reported to the forty-eighth and forty-ninth sessions of the General Assembly (A/48/579 and A/49/538), as well as to the fiftieth session of the Commission on Human Rights (E/CN.4/1994/44 and Add.1).

4. The Commission on Human Rights, in its resolution 1994/68, welcomed the efforts of the Representative to continue raising the level of consciousness about the plight of the internally displaced and encouraged him, through dialogue with Governments and all intergovernmental and non-governmental organizations concerned, to continue his review of the needs for protection of and assistance to internally displaced persons, including his compilation and analysis of existing rules and norms, the root causes of internal displacement, prevention and long-term solutions, taking into account specific situations and paying specific attention to the needs of internally displaced women and children. The Commission further invited the Representative to make suggestions and recommendations with regard to ways and means of providing adequate and effective protection and assistance to the internally displaced.

5. The present report summarizes the main findings of the Representative over the past three years, the activities undertaken, the progress made, the

difficulties encountered, and the preliminary conclusions reached on the issue of protection and assistance for the internally displaced. It reviews his missions to nine countries and follow-up activities to those missions, discusses the issue of legal standards, analyses relevant institutional mechanisms and capacities, and examines strategies being developed to provide better assistance and protection. Finally, it outlines the fundamentals for a plan of action to address the protection and assistance needs of the internally displaced.

6. The report has benefited from the work, experience and support of a great number of Governments, institutions and individuals. Special mention must be made of the Refugee Policy Group and the Norwegian Refugee Council which analysed existing institutional mechanisms for the provision of protection and assistance to the displaced, 1/ and the American Society of International Law, the Ludwig Boltzmann Institute of Human Rights and the International Human Rights Law Group which compiled and analysed the legal standards pertaining to internally displaced persons, which will form the basis for developing a body of principles.

7. As the mandate comes to the end of its second term, it is fitting to report that it has continued to rely very heavily on the contribution of the very limited staff available at the Centre for Human Rights in Geneva, and especially the dedicated services of the two officers assigned to the mandate. A very special word of appreciation also goes to Ms. Roberta Cohen, currently a Visiting Scholar at the Brookings Institution's Foreign Policy Studies Programme, who has devoted much of her professional and intellectual energies to international efforts on behalf of the internally displaced and has been a major contributor to the work of the mandate since its creation.

8. Four addenda have been issued to the present report: addenda 1, 2 and 4 contain the Representative's reports on his missions to Colombia, Burundi and Rwanda; addendum 3 and conference paper E/CN.4/1995/CRP.1, which is issued as a working document of the Commission, contain the compilations and analyses of legal standards pertaining to internally displaced persons prepared by the three institutions referred to above.

I. OVERVIEW OF THE PROBLEM

9. Internal displacement has become a monumental crisis in both scope and intensity. Among its causes are internal conflict, ethnic strife, forced relocation, and gross violations of human rights. When the Commission first considered the subject in 1992, the number of internally displaced persons was estimated at about 24 million. 2/ The total is now believed to have climbed to around 30 million, surpassing by a large margin the number of refugees, which is around 20 million.

10. The figure of 30 million, although not definitive and requiring further investigation, represents the best estimate of United Nations agencies, Governments, non-governmental organizations (NGOs) and research bodies working with these populations. The number in fact may be even higher because in some countries where significant displacement exists reliable estimates are unavailable. In addition, in countries or areas of countries where there is

minimal or no operation by the United Nations or other international agencies, these groups can remain hidden from or forgotten by the international community. 3/

11. While the crisis is global, there are significant regional variations. Approximately 16 million internally displaced persons are reported in Africa, 6 to 7 million in Asia, more than 5 million in Europe and up to 3 million in the Americas. 4/

12. The numbers, moreover, are expected to rise. The United Nations High Commissioner for Refugees (UNHCR) estimates that out of a world population of 5.5 billion, roughly one in every 130 people is being forced into flight and has become either externally or internally displaced. 5/ The conflicts taking place inside State borders are a major reason for the growing number of displaced persons. These have become far more prevalent in the post-Cold War era than inter-State wars. 6/ In the past two years alone, internal conflicts have combined to force an estimated 10,000 persons every day to flee their homes and either cross borders or become displaced in their own countries. 7/

13. Another major factor explaining the high number of internally displaced persons is the increasing international preoccupation with the prevention of refugee flows. The growing reluctance on the part of States in the post-Cold War era to admit large numbers of refugees or to finance their stay in third countries is forcing greater numbers of persons to remain displaced within their own countries and in need of international assistance and protection.

14. Because they remain under the control of national authorities, the internally displaced, unlike refugees, often do not receive the assistance and protection of the international community. Overwhelmingly, they live under the adverse conditions of a hostile domestic environment, where their access to protection and assistance is constrained by national sovereignty. Moreover, while all victims in internal conflict situations are at serious risk, the internally displaced are often more vulnerable. They may be more readily subjected to round-ups, forcible resettlement, and arbitrary detentions or arrests. They may be more vulnerable to forcible conscription or sexual assaults. They are more regularly deprived of food and health services. Some of the highest mortality rates ever recorded during humanitarian emergencies have come from situations involving internally displaced persons. Surveys have shown that the death rates among internally displaced persons have been as much as 60 times higher than those of non-displaced within the same country. 8/ In many situations of internal displacement, there is little or no international presence to address the serious problems confronting uprooted populations.

15. Compounding the absence of clear international responsibility for the internally displaced is the nature of the conflicts in which they are often caught up. Internal conflicts frequently are marked by few or no accepted ground rules of battle. "Today's belligerents", a recent study pointed out, "are more and more willing to use humanitarian access, life-saving assistance, and even civilians themselves as weapons in their political-military struggles." 9/ Moreover, when there are racial, ethnic, or religious

components to these conflicts, there is often a serious rift between the controlling authority, be it the Government or an opposing force, and the affected civilian population. As a result, this population often falls into a vacuum of the responsibility normally associated with sovereignty. Given the extent of the human suffering involved, the international community is often called upon to step in and meet the humanitarian challenges posed by the absence of national responsibility.

16. In recent years, an increasing number of United Nations agencies, humanitarian organizations, and non-governmental groups have expanded their areas of operations to respond to the needs of the internally displaced. In particular, the United Nations High Commissioner for Refugees (UNHCR) and humanitarian organizations like the International Committee of the Red Cross (ICRC) have substantially increased their involvement with internally displaced populations. Other agencies such as UNICEF, the World Food Programme (WFP), the United Nations Development Programme (UNDP), the World Health Organization (WHO), and the International Organization for Migration (IOM) have also become more involved, and the Department of Humanitarian Affairs (DHA) has undertaken steps, in particular through the Inter-Agency Task Force on Internally Displaced Persons, to strengthen coordination. These collaborative arrangements have often enhanced considerably assistance and protection for internally displaced persons. None the less, international efforts are mostly ad hoc and often do not reach large numbers of internally displaced persons at risk.

17. The challenge of meeting the needs of the internally displaced, it must be emphasized, is both one of providing material assistance to the needy and of ensuring their protection and respect for their fundamental human rights. To date, international efforts have focused more often on relief than on protection. One of the main reasons for the appointment of the Representative of the Secretary-General was "the absence of a focal point within the United Nations system" 10/ to bring attention to the need for improved protection and assistance for internally displaced persons and to address the human rights and humanitarian dimensions of the problem.

18. The position of the Representative of the Secretary-General remains the only mechanism within the United Nations system specifically mandated to deal with the problem of internal displacement and to focus on both protection and assistance. However, the capacity of the Representative is severely constrained. The mandate lacks operational authority, has no direct financing, and has very limited staff support at the Centre for Human Rights in Geneva. Given the magnitude and scope of the problem, the mandate can hardly achieve more than limited results. The Representative of the Secretary-General has repeatedly pointed out the gap between the objectives and the capacity of the mandate in his reports to the Commission on Human Rights and the General Assembly.

19. Although much has been done to raise the level of consciousness, especially within the Commission on Human Rights and the General Assembly and among humanitarian agencies and non-governmental organizations, the challenge confronting the mandate on internal displacement covers a wide spectrum of activities in the human rights and humanitarian fields, both within and outside the United Nations system. By its very nature the mandate must be

concerned with millions of people whose needs for protection and assistance are immense, compelling and urgent, and for whom the normative principles and enforcement mechanisms are grossly inadequate and need to be developed and made effective. If the international community is to respond conscientiously to what is generally recognized as one of the most challenging problems of our time, then it will have to develop appropriate standards and mechanisms to provide adequate protection and assistance for the internally displaced.

II. THE FIELD EXPERIENCE

A. Country profiles

20. One of the main elements of the mandate is making on-site visits to countries with serious problems of internal displacement in order to explore first-hand the conditions in which internally displaced persons live. The objectives of these missions are several: to focus on the conditions in a particular country and what needs to be done by the Government and the international community to address the problems involved; to acquire insights that may be useful in deepening understanding of the generic problems of internal displacement; to prepare reports based on the field visits which will provide a pool of information on the various dimensions of internal displacement and be used in formulating standards and strategies to deal with the problem.

21. Following the Representative's appointment in 1992, he visited the former Yugoslavia, the Russian Federation, Somalia, the Sudan and El Salvador, which he reported upon in his comprehensive study. Since the extension of his mandate in 1993, the Representative has visited Sri Lanka (November 1993), Colombia (June 1994), Burundi (September 1994) and Rwanda (December 1994) and has prepared country profiles on each of these visits (E/CN.4/1994/44/Add.1; E/CN.4/1995/50/Adds.1, 2 and 4).

22. These reports provide an overview of the crisis of internal displacement, with emphasis on the context and the causes of the problem, an analysis of the humanitarian and human rights issues involved, and suggestions as to the steps that could be taken by the Government and the international community to improve the situation. This part of the report summarizes the main findings of these missions, particularly those undertaken since the extension of the mandate in 1993.

Manifestation of the problem

23. Internal displacement manifests itself differently in different countries. In several of the countries visited - for instance, Somalia, the Sudan, Sri Lanka, the former Yugoslavia and Rwanda - the displaced were identifiable as large clusters of people in camps, uprooted from their homes, and divested of the entire natural resource-base, as a result of which they were entirely dependent on humanitarian assistance and precarious protection from the controlling authorities. In El Salvador, on the other hand, the internally displaced in the aftermath of the peace agreement were largely villagers integrated into rural areas but still constrained by lack of land and vital services and under precarious security conditions. In Colombia, the displaced, representing approximately 1 to 3 per cent of the population, found

their security by merging into the community to avoid being clearly identified; but since the communities into which they merged were equally poor and inadequately protected, their plight and that of their host communities did not differ much. In a way, Burundi, where up to 10 per cent of the population is displaced, brought these various forms of internal displacement together: the "displaced" in the army-protected camps represented the typical form seen in many countries, whereas the "dispersed", who merged into rural areas to avoid the security forces, were somewhat comparable to the displaced of El Salvador and Colombia; but unlike the latter, they did not disappear into rural communities, but dispersed into the hills, the marshes or the valleys away from the roads.

24. Different manifestations of internal displacement have implications for solutions to the problem. When internally displaced persons, for example, are congregated in camps or settlements, assistance can be provided to them as such. When they are integrated into communities, however, assistance is better organized on a community basis, targeted towards the entire affected population without distinction as to category. When internally displaced persons are dispersed and in hiding, access to them and provision of protection may be particularly difficult.

The causes

25. In all the countries visited, the main cause of displacement is violence in the context of internal conflicts. These conflicts, however, have different manifestations in the countries concerned. For example, in Sri Lanka the civil war and intercommunal violence that have been going on for the past 10 years accounted for most cases of internal and external displacement. In Colombia, guerrilla warfare and the counter-insurgency strategies of the army, along with drug-related and criminal violence, have been the most important causes of human rights abuses and displacement. In Burundi the eruption of ethnically motivated massacres every few years has caused widespread displacement. In Rwanda, repeated massacres and repression of the Tutsi minority were in the past the main causes of widespread internal and external displacement; today civil war has led to massive displacement of the ethnic majority also.

26. The underlying historical, political and socio-economic factors both explain and determine the nature of the conflict in each country. Often they are related to differences between groups of distinct ethnic, religious, economic or political background. In Sri Lanka the groups are considered to be split along ethnic, linguistic and religious lines, which determine the preoccupations and interests of each group with regard to power and land control. In Colombia these lines are much less obvious, having mainly to do with the economic and political background of groups representing different interests (e.g. guerrilla forces, paramilitary groups, drug-traffickers, armed forces) and fighting for control over power and natural resources. In Burundi the two main groups are seen as ethnically differentiated, with the minority holding power and the majority being poor and powerless. In Rwanda, where the two main groups are also seen as ethnically differentiated, it was the majority which until recently held power and the minority that was disadvantaged; today the situation has been reversed and the minority is now in control.

27. Regional parameters, such as the historical and political relationship with neighbouring countries, often affect the situation in the country concerned. The involvement of India in the internal armed conflict in Sri Lanka, its role as a country of asylum and the repatriation process that was going on at the time of the mission of the Representative are exemplary. The influence that the political situation in Rwanda has historically exerted on Burundi, as well as the large numbers of Rwandese refugees on Burundi soil are also such factors. So too is the role of Uganda, a country that hosted scores of Rwandese refugees, many of whom were recruited in its army, and later organized the Rwandese Patriotic Front which invaded Rwanda. The role of Zaire, which is currently hosting refugees from the former Rwandese army, is also influencing the situation in Rwanda.

Protection and assistance concerns

28. In the countries visited, the internally displaced were generally found to have serious protection and assistance needs and were vulnerable to human rights abuse. There was a general lack of adequate housing and basic health, counselling, and income generation services for the displaced. In Colombia the displaced were perceived and treated as a marginalized group, which often created a threat to their lives and well-being; at times they were tracked down by their persecutors even after they had fled their homes. In Burundi many displaced Hutu spent weeks hiding in the marshes so that the Tutsi-dominated army would not find and kill them, while displaced Tutsi, protected by the army, were often prevented from returning to their homes. In Sri Lanka, the internally displaced were more susceptible to searches at check-points and cordon-and-search operations, and at the time the mission took place risked being returned to areas in which the security situation was precarious. The situation of displaced indigenous people, in particular in Colombia, and to a lesser extent in Sri Lanka, was also a subject of concern. In all cases women heads-of-household were numerous and faced special protection problems.

Needs of women and children

29. It should be emphasized that in most settings the majority of displaced are women and their dependent children. And yet, women are generally less consulted than men or not effectively included in the distribution of material assistance, which could have serious consequences for their receipt of adequate relief assistance. In one camp in Burundi, for instance, where there were only 25 men out of several thousand displaced people, when the Representative asked to discuss the problems of the camp with several representatives, only men appeared.

30. Internally displaced women also faced serious security risks. Many suffered from sexual violence and psychological and physical trauma. Some had witnessed killings and atrocities and had lost close family members. 11/ The Representative found, for example, that displaced Tamil women in Sri Lanka had been raped prior to their displacement and that Muslim women in the former Yugoslavia suffered consistent sexual abuse, a situation that has been documented in United Nations reports.

31. Many internally displaced women have become the sole supporters of their families because they have lost their husbands in civil wars or because their husbands have been recruited into armies of resistance, are disabled or have disappeared. Viable economic solutions for women heads-of-household, however, are often complicated by limited resources and opportunities and discriminatory practices. In some countries women cannot inherit land either from their husbands or their parents. This was the case, for example, in Burundi and Rwanda. Women who are of indigenous background or come from particular ethnic groups also face discrimination which impedes their efforts to become self-sustaining. This was the case of indigenous women in Colombia.

32. Displacement also has serious negative effects on children and their development. Children are the first to suffer from lack of shelter, warmth, proper food and health care. In Burundi, children have been particularly affected by chronic malnutrition, malaria, respiratory infections, diarrhoea and dysentery. Many have been separated from their families or have lost their parents. In some cases, their parents have died of AIDs. It is estimated that there are 200,000 unaccompanied children in Rwanda, Burundi and Zaire. Many are being raised in a climate of revenge and in most cases have limited access to education.

33. Displaced children in different countries are also prey to forcible recruitment, where they must take part in killing, maiming or raping civilians; this has been reported in the Sudan, Mozambique and Liberia. 12/ The problems they face are immense, especially if they have grown up apart from their families and adult discipline and have been combatants most of their lives.

Differences in treatment of displaced persons and refugees

34. The difference in treatment extended to refugees on the one hand and internally displaced persons on the other, that is, to persons generally assisted and protected by an international agency and those for whom no international agency has specific responsibility, is a pervasive problem. It was particularly manifest in Burundi, where the level of international involvement with Rwandese refugees was much higher than with those internally displaced. In terms of food supplies, health, sanitation, housing materials, organization and structure of the camps, and level of security, the camps of internally displaced persons suffered by comparison. This disparity was also evident during the Representative's visit to Sri Lanka.

35. Disparity in treatment between different categories of persons equally in need can produce a multiplicity of negative consequences. It can prolong the suffering of those internally displaced, engender conflict with those benefiting from more international attention, and aggravate efforts at national reconciliation and development. In Burundi, for example, some of the displaced criticized the fact that the international agencies were "discriminating" against them while providing assistance to returnees but not to them, the victims. Differences in treatment clearly could foster threats to the security of the refugees and returnees who also were in need of food, shelter and health care.

Presence of the international community

36. Because no one agency is specifically mandated to cater for the internally displaced, their needs are often addressed unevenly. In Sri Lanka, for example, UNHCR caters for a large number of internally displaced persons along with returning refugees in the north through its "open relief centres", which has proved an effective means of providing assistance and protection to the displaced. In Colombia, on the other hand, the level of material assistance and human rights protection by the international community was rather limited. That also was the case in Burundi where the Government stressed the importance of the involvement of the international community both in assisting and in protecting the internally displaced and returnees. Even in situations where the international community has extensive humanitarian operations, the extent to which they focus on the displaced is not as extensive as might be warranted. Protection seemed not to constitute a primary area of attention for any of the international agencies involved with the displaced.

37. To be sure, humanitarian action in situations of internal displacement is often subject to various sets of constraints, which in some cases explain institutional reluctance to become involved. Apart from the requirement of the consent of the Government, these include: governmental refusal to recognize the problem; bureaucratic and administrative procedures that obstruct humanitarian efforts; a precarious security situation; lack of expertise in working with victims of armed conflict; limited resources; and the fact that the displaced in a number of situations do not identify themselves as such but live anonymously dispersed in different communities. Another difficulty for the international community in becoming involved in internal conflict situations is maintenance of its standing as a neutral and impartial entity. In the midst of war or ethnic rivalry, United Nations agencies have faced difficulties in being perceived as upholding a fully neutral, non-partisan image.

Approach to Governments

38. In dealing with the many diverse situations of internal displacement, it is important to understand the problems of internal displacement in their national context, the obstacles to providing adequate protection and assistance, and what needs to be done both by the Government and by the international community to remedy the situation. This can best be done in a spirit of cooperation with Governments by recognizing that internally displaced persons fall within the domestic jurisdiction and therefore under the sovereignty of the countries concerned, but that national sovereignty carries with it certain responsibilities towards those within its jurisdiction. If, during crises of internal displacement, Governments are unable to discharge their responsibilities to provide their citizens with adequate protection and assistance, they are expected to invite, or at least accept, international cooperation to supplement their own efforts. Where Governments or controlling authorities are unable or unwilling to live up to their responsibilities and are not receptive to international assistance, the international community should be expected to assert its concern and fill the vacuum created by the Government's failure to discharge its responsibility.

Areas under insurgent control

39. Special problems arise with respect to situations where internally displaced persons are in insurgent-controlled areas. In some of these situations, access is limited or not possible because of ongoing conflict. This was the case, for example, in the Jaffna peninsula in Sri Lanka. Access may also be limited because of fears on the part of the Government that this could imply recognition of rebel forces. On the other hand, humanitarian agencies such as UNICEF, UNHCR and ICRC have been able to establish dialogues with both Governments and non-governmental actors in different countries in order to negotiate access to persons on all sides of conflict situations. 13/ NGOs also have managed to work behind insurgent lines and in recent years have begun to monitor the compliance of non-governmental actors with international humanitarian law and human rights principles. Some Governments have indeed drawn attention to the fact that insurgent forces are often responsible for violations of humanitarian law and should therefore be held accountable.

40. In monitoring the conditions of internally displaced persons, the mandate has benefited from openings created by humanitarian organizations and receiving information from them and from NGOs on the treatment of internally displaced persons in the areas controlled by non-governmental actors. The report on Sri Lanka called upon the insurgent force to abide by the principles of humanitarian law, cease abuses of human rights, and permit the exit of persons from the areas it controls. The report also called for international efforts towards a negotiated solution, to be directed to both the Government and the insurgent force.

41. Direct contact with insurgent authorities under compelling and appropriate humanitarian conditions should be recognized as an indispensable aspect of the mandate. Furthermore, since peace is the ultimate solution to the problem of displacement, it clearly is a correlative responsibility of the mandate to convey that message to the parties; contact with both sides may therefore be a practical imperative.

Recommendations for action in specific situations

42. The detailed recommendations to Governments and the international community for improving the situation of the internally displaced in particular countries can be found in the separate country profiles prepared following the field visits. It is nevertheless instructive to summarize some of these recommendations below.

(a) The report on the visit to the Sudan recommended that displaced persons in camps outside the capital should be given the choice either to go back to their areas of origin or to settlements closest to their natural setting and accorded the protection and assistance necessary for them to resume normal and self-sustaining rural life. Should they choose not to go back, they should be assisted to move freely into any area of the country, including urban centres, and given the necessary assistance to integrate themselves as ordinary citizens. The report also suggested specific

improvements in the delivery of needed relief supplies to the particular areas visited and ways in which the international community could cooperate with the Government in providing assistance to the affected population;

(b) In the case of Sri Lanka, the report focused on the need for improved security conditions and safety guarantees before the internally displaced could return to their home areas, for better shelter and sanitation for them, for intensified efforts to identify missing or disappeared persons, for increased efforts to find a peace settlement, and for measures to address outstanding discriminatory practices on the basis of ethnicity, religion and language;

(c) Because of the fluidity of displacement in Colombia, the report on that country focused on the need for a clearer definition of the internally displaced that could be used by both the authorities and the NGOs, for further work towards a "depoliticization" of the issue of displacement, for strengthened protection of the right to land and property, for more rigorous observance of humanitarian law, in particular the provisions that prohibit displacement and protect the right to life and physical integrity, and for closer cooperation between the authorities and the NGOs in the provision of assistance and protection to the displaced;

(d) The report on Burundi drew attention to the sharp difference in treatment between refugees and internally displaced persons and called for specific services for the internally displaced in the areas visited, in particular the provision of plastic sheeting and medicines as well as know-how with regard to camp organization, more human rights and peace education activities, increased coordination between the international humanitarian, political and human rights operations in the country, as well as the further development of regional comprehensive approaches. It was also suggested by humanitarian and human rights agencies that the Representative have a delegate in the country to advocate the cause of the displaced;

(e) The discussions with Rwandese authorities emphasized the importance of ensuring the safety and security of the civilians in the camps and the safety of those who wanted to return home, not only during the process of their return but also after their return. The Government's policy of dismantling the camps not only to normalize conditions in the country but also to expose the criminal elements who were hiding in the camps made a constructive dialogue with it especially urgent. Close cooperation between the Government and the United Nations, particularly UNAMIR and human rights field officers, was strongly advocated to ensure adequate protection and assistance for the internally displaced. The importance of observing human rights and humanitarian standards as bases of cooperation between the Government and the international community was also stressed.

43. In accordance with the Commission's request that the Representative pay specific attention to the protection and assistance needs of women and children, recommendations pertinent to their specific needs have been made both to Governments and the international community in general. Governments have been urged to ratify the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child.

The active monitoring by United Nations bodies and NGOs of compliance with the provisions of these instruments has also been advocated. The Representative's recommendations are summarized as follows:

(a) In locations where international agencies and NGOs are present, every effort should be made to monitor the situation of women, document violations against them and intercede with the relevant authorities on their behalf. It also has been suggested that practical steps be taken to increase protection of their physical security and prevent further violence against them. In addition, it has been recommended that counselling services be introduced, such as have been made available in the former Yugoslavia where women have suffered sexual violence;

(b) UNHCR's Guidelines for the Protection of Refugee Women and its Guidelines for the Protection of Refugee Children are especially relevant to the protection needs of these vulnerable categories of persons. These guidelines should be widely disseminated to agencies working in the field with displaced women and children and efforts should be made to implement their provisions. The Guidelines for the Protection of Refugee Women spell out the specific protection problems confronting women and identify practical steps to increase physical and legal security for them. They also link assistance to protection and make clear that the way camps are designed or how far women have to go for firewood can have a direct bearing on protection. The Guidelines also describe specific steps that can be taken to enhance physical security;

(c) Displaced women should be better represented in camp administration and decision-making since the consequences of such exclusion on their well-being can be serious. It is well known, for example, that food and supply distribution systems set up without consulting or including women can result in women and their children getting less than they should or having to trade sexual favours to secure food and supplies. Equitable distribution of food and supplies should be a priority goal of agencies working with the displaced;

(d) Special concern has repeatedly been expressed for the situation of widows and women heads-of-household among the internally displaced. Beneficial effects have been observed when local women's groups have been involved in working with internally displaced women. Because displaced women are often unable to become economically self-supporting, they need special training and income-generating programmes. UNIFEM has found that it is possible, even in conflict situations where the requirements for traditional development programmes are not in place, to organize income-earning activities and training for displaced women. 14/ Development agencies and international financial institutions should become more extensively involved in lending support to income-earning projects so that larger numbers of displaced women, in particular female heads-of-household, can move from dependency to self-support;

(e) Differences in the legal treatment between women and men and the absence of measures to ensure fair treatment also need to be addressed to enable women, particularly displaced women who are heads-of-household, to

become self-supporting. In some countries, legal measures are needed to improve the status of women as far as property and inheritance rights are concerned;

(f) In the case of children, it is particularly important that humanitarian agencies give urgent attention to helping unaccompanied children trace their family members and be reunited with them. In Burundi, UNHCR, together with UNICEF, has been administering a programme of foster families for unaccompanied children. Such initiatives need to be more closely studied with a view to developing additional remedies for women and children.

44. It has also been proposed that specific projects be undertaken in different countries under the advisory services programme, in accordance with Commission resolution 1994/69. The reports on Colombia (Add.1, para. 130) and Burundi (Add.2, para. 108), for example, proposed projects in human rights education for civil and military authorities and for needs assessments in the human rights area.

45. Strengthening the capacities of Governments to deal with the problem of internal displacement could prove an important step towards finding solutions in certain cases. It has been observed that where there are local or national channels of communication among governmental agencies or effective channels between the Government and the international agencies and NGOs, there are likely to be better opportunities for coordinated responses to the problem. Both in Sri Lanka and in Colombia, for example, such channels of communication existed. However, they need to be strengthened. It is important that United Nations development and relief agencies begin to focus on assisting Governments to develop such capacities.

B. Impact and follow-up to visits

46. The importance of field visits cannot be overemphasized. It is indeed encouraging that Governments have been quite responsive to on-site visits and have generally welcomed the reports from those visits as constructive contributions to understanding the crisis in their countries and facilitating an appropriate cooperative approach. The mere fact of a mission attracts the attention not only of the Government but also of other elements of the society and generates a discourse that stimulates internal initiatives to deal with the problem. The survey by the Norwegian Refugee Council (see para. 6) found that the Representative's missions raised domestic awareness of the problem and helped encourage solutions by government authorities, NGOs and relief agencies. Field workers found that dialogue between the authorities and the Representative served as a "door-opener": it demonstrated genuine international cooperation in providing protection and assistance to the internally displaced, encouraged the authorities to look to the problem with more seriousness, and eventually helped the organizations to do a more effective job. According to NGOs in both Sri Lanka and Colombia, the Representative's missions to those two countries raised the domestic level of discussion, encouraged NGOs to continue to cooperate among themselves and with the United Nations and the donors, and also inspired regional initiatives and projects.

47. It is particularly significant that these missions offer opportunities for discussion of specific issues with Governments and international organizations and reaching agreements which can lead to actual improvements in the situation. During the mission to Sri Lanka, for example, the Government reaffirmed its commitment to providing food assistance and primary education to all the displaced, irrespective of their ethnic origin. The Government of Colombia placed emphasis on improving the situation of human rights and strengthening its cooperation with NGOs. The Government of Rwanda, while firm in its policy of closing the camps of the internally displaced, was reassuring in its undertaking not to use force or other forms of coercion and to cooperate with the United Nations in this matter.

48. No established procedure or mechanism exists, however, to monitor situations in the countries visited and to ensure that the points agreed upon are carried out; nor are there resources for follow-up missions. Much remains to be done, both by making resources available for follow-up activities and by coordinating with agencies in the field to furnish pertinent follow-up information from their areas of operations. The Commission on Human Rights emphasized the importance of follow-up activities in its resolution 1994/68, and United Nations agencies have declared their commitment to cooperate with the Representative in this area. The Administrator of the United Nations Development Programme, for example, recently requested resident representatives/resident coordinators in the field to provide information to the Representative on the displacement situation in their countries of residence and the extent to which proposals for improving the provision of assistance and protection to the internally displaced are being carried out in countries visited. This offers a model which could be emulated by other agencies. The Inter-Agency Task Force on Internally Displaced Persons, chaired by the Department of Humanitarian Affairs, could also play a role in monitoring whether improvements in the conditions of internally displaced persons are being achieved in particular countries and keep the Representative apprised of in-country situations. NGOs could do likewise. 15/

49. The initiatives already undertaken, although very limited, indicate the potential of what could be done. These relate to follow-up communication in three of the countries visited - Colombia, Sri Lanka and the Sudan. Apart from the information received from the Governments of these countries in response to specific requests by the Representative, reports by special rapporteurs on countries previously visited by the Representative contain detailed information on internally displaced persons that is relevant for follow-up purposes of the mandate. These include the Sudan and the former Yugoslavia.

50. With respect to Colombia, the Representative addressed an urgent appeal to the Colombian Government on 22 August 1994 for the protection of a number of families who were being threatened by imminent displacement in the department of Santander, but since no reply has been received from the Government, nothing beyond this brief mention can be reported on that situation at this point.

Sri Lanka

51. On 29 August 1994, the Representative addressed a letter to the Government of Sri Lanka, in which he asked for information on developments in the situation of the internally displaced since his mission there in November 1993 (see E/CN.4/1994/44/Add.1). In a letter dated 3 January 1995, the Government informed the Representative of the recent initiatives taken by the authorities with regard to the situation of the displaced. This follow-up correspondence with the Government of Sri Lanka demonstrates the willingness of the Government not only to exchange information with the Representative but also to undertake measures for improving the situation of the internally displaced.

52. In addition, detailed follow-up reports were also received from the Resident Coordinator and UNHCR on steps that had been taken since the Representative's mission to Sri Lanka.

53. During the visit to Sri Lanka in November 1993, it was apparent that displacement was destined to continue in the absence of peace, and as a result, Government-provided food assistance would continue to be urgently needed, while the quality of shelter and sanitation would have to be improved and income generation projects would have to be placed high on the agenda to supplement government assistance. The Government reported that it was continuing to supply food assistance to the displaced, and also to those who voluntarily returned to their places of origin for a six-month period, and that it had taken action to improve the quality of shelter and sanitation facilities for the displaced and to increase the grant for the reconstruction of houses. United Nations officials reported that a pilot project was being considered in Trincomalee district for the granting of cash allowances to displaced persons as a substitute for food rations. They also reported that the resources available from various sources for assistance to the internally displaced had not effectively increased since the visit and that income generation projects, although high on the Government's policy agenda, remained limited.

54. It had been recommended in the initial report on the visit that efforts be intensified to identify the thousands of persons who had disappeared over the past 10 years in the course of ethnic and political armed conflict, especially because aspects of family security might depend on the status of the missing persons. In the follow-up correspondence, the Government reported that it had enacted a special law in November 1994 which would remove the difficulties currently existing in the areas of inheritance and marriage of the families of missing persons and those presumed dead. It also reported that it had appointed three presidential commissions, each assigned to a zone in the country, to inquire into persons who had been involuntarily removed or disappeared since 1 January 1988.

55. The initial report had also recommended that militant groups should be discouraged from presence in the welfare centres where the internally displaced were sheltered and that in general efforts should be made to minimize military and security operations in and around those centres. In its follow-up letter, the Government expressed its agreement with this recommendation and reported that "meaningful steps have been taken to avoid

[causing] difficulties to displaced persons when security operations are undertaken in such areas". United Nations officials in the country reported that the overall security situation had improved, in particular in the Eastern Province, with a reduced level of security operations near or in the welfare centres.

56. One of the major issues explored during the mission and in the subsequent report was the question of the return of the internally displaced to their homes and home areas. As such return was not always voluntary, specific recommendations were made to ensure that resettlement would not be coerced. The Government in its reply insisted that all resettlement, including temporary relocation, was of a voluntary nature, and United Nations officials also reported that there had been no recent reports of coercion in the resettlement process. However, they also reported that there still exists no formal procedure for displaced persons to register their willingness to resettle, and the resettlement guidelines are not always adhered to. Upon taking office in mid-1994, the new Minister of Ports, Shipping, Rehabilitation and Reconstruction (PSR&R) announced that he would like to resolve the problem of internal displacement within a year and would like to see the centres disappear and the internally displaced resettled on land and leading productive lives. His Ministry, it is reported, is currently finalizing an analysis of the situation and drawing up a plan of action to be discussed with all those who might potentially play a role, including United Nations agencies having a presence in the country. Resettlement meanwhile has accelerated in areas where the security situation has improved, such as in the east, but has slowed down in areas of confrontation. The Government has indicated that for those communities unable to return, it is exploring the possibility of a programme of "temporary location". United Nations officials have noted that the problems faced by communities that are unable to return home (principally the Muslims displaced from the north and those displaced from areas which now form army bases in the north) remain unresolved due to expected frictions with the local population in areas of temporary location and considerations of availability of land and ethnic balance.

57. In the legal field, the initial report had urged the Government to sign and ratify Protocol II Additional to the Geneva Conventions of 1949 and also to consider signing and ratifying the other human rights instruments to which it is not yet a party and to address legally any outstanding discriminatory practices on the basis of ethnicity, religion and language and to reverse any public tendencies that may operate to the disadvantage of the minorities. The Government has signed the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and has reported its intention to study the possibility of acceding to human rights instruments to which it is not a party and to establish a National Human Rights Commission for the promotion of the human rights of minorities and disadvantaged groups.

58. The initial report had encouraged lawyers' associations to become more active in the defence of the internally displaced and had urged humanitarian NGOs to establish a presence in areas where there was limited NGO involvement. One NGO is reported to be planning to start legal literacy classes through 13 district centres using the services of paralegal officers, while another is undertaking cases brought to it by members of the displaced.

59. It is particularly noteworthy that the Government stated in its follow-up reply that "in keeping with its relentless commitment to restoring peace in the country - which is the durable solution of the problem of internal displacement, as pointed out by the Representative", it recommenced the second round of talks with the Liberation Tigers of Tamil Ealam (LTTE) on 3 January 1995. It also noted that "among the points of convergence achieved in the talks, the need to observe cessation of hostilities remains the foremost". In reaffirming its original stance that the problem is an internal one that does not require international involvement, the Government noted that the steps it had taken towards the amelioration of the human rights situation and a political solution to the problems of the Northern and Eastern Provinces, in which the solution to the problem of internal displacement lies, prove its positive disposition towards achieving these goals on its own accord.

60. The mission report had also called upon the LTTE to abide by the principles of humanitarian law, cease further expulsions of Muslims or other ethnic communities and permit the free exit of Tamils from areas it controlled. United Nations sources have reported that no new expulsions were reported in 1994. The LTTE continues to maintain strict control over the departure of civilians, although it has allowed a number of departures since May 1994. It also seems to be making increased efforts to exert a stronger control over NGOs with regard to their activities and movement.

61. A number of specific proposals were also made with regard to the role of the international community in the country. It is commendable that the Open Relief Centres in the north, administered by UNHCR for internally displaced persons and returnees, continue to operate, and that UNHCR has returned to ORC Maddhu, from which it had evacuated in November 1993, due to insecurity. According to United Nations officials, progress on developing projects to cover the entire island continues to be slow although complementarity of projects in the north and east is being worked upon. To this end, a small information unit was being formed, to be managed by a steering committee made up of representatives from the United Nations agencies, the Government, donors and NGOs. The Government, in its response, expressed the view that donor assistance could best be coordinated through a United Nations organization. United Nations officials reported that the donor community was interested in ameliorating the effects of the conflict on the civilian population, especially in the north and the east, and that funds for that purpose were mostly being channelled through UNHCR or the NGOs. Although it was difficult to monitor projects in "unclear" areas, some donors did plan to play a more active role in these areas. There was scope for small projects and initiatives that would support the economy and civil society in the north and east, thereby maintaining conditions conducive to the promotion of the peace process.

The Sudan

62. In view of the fact that during the first phase of his mandate in 1992 the Representative visited the Sudan (E/CN.4/1993/35, annex, paras. 202-235), he addressed a letter to the Government of the Sudan, dated 28 September 1994, to inquire about a number of understandings reached with the authorities at the time of his visit.

63. The Government, by letter dated 10 October 1994, responded positively, noting that the issues raised were of humanitarian concern to the people of the Sudan and therefore of great importance and concern to the Government. The letter acknowledged that the principal proposals in the report of the Representative of the Secretary-General needed a thorough follow-up and would be brought to the attention of the appropriate authorities for action. Noting that "all" that had been proposed in the report was "in place", the Government reaffirmed its commitment to implement the proposals of the report in cooperation with the international community.

64. It will be recalled that in his report on the mission to the Sudan the Representative, while appreciating the services which were reportedly being rendered to the displaced in the camps visited by the Representative, including maternity care, early child care, immunization, meals programmes for small children, general medical care, education, and food distribution, pointed out that the location of the displaced just outside the city, where they were neither part of the urban community nor in their own natural setting, was inherently degrading and that the physical conditions of the displaced as reflected in their shanty dwellings did not adequately compensate for their removal from the city. Accordingly, the Representative recommended that the displaced in the camps should be given the choice either to go back to their areas of origin or to settlements closest to their natural setting, and accorded the protection and assistance necessary for them to resume normal and self-sustaining rural life. Alternatively, those who chose not to go back should be assisted to move freely into any areas in the country, including urban centres, and given the necessary assistance to integrate themselves as ordinary citizens. The third alternative proposed in the report was that those who chose to remain in the camps should not only be given the services of the kind described to the Representative, but should also be assisted with materials to build for themselves more comfortable and healthier accommodations to help compensate for their isolation from urban conditions.

65. In its follow-up letter, the Government reported that it was encouraging the people in the camps to return home and be resettled in their original towns and villages. It reported that many had indeed gone home or had been resettled in alternative agricultural areas where they could become self-reliant. The Government also reaffirmed its commitment to improving the situation of the internally displaced people in the camps and would welcome the contribution of any organizations willing to assist within the principles of the Charter of the United Nations and the guidelines set by the Government.

66. The report on the mission to the Sudan contained several other recommendations concerning the delivery of relief supplies to Abyei, one of the areas the Representative visited, and noted that a number of the governmental and non-governmental agencies that were represented in the visit to Abyei later met and pledged to increase their delivery of services to the area, including more agricultural equipment, medical supplies, food, and other materials. The Foundation for Peace and Development, a government institution, requested international cooperation for the construction of an all-weather road to link Abyei with the town of Muglad to the north in order to break the isolation of the area during the rainy season and maintain a steady flow of supplies to the local inhabitants. The Foundation also appealed for international support to implement various projects to address

the needs of the displaced, in particular for housing. Subject to further consultations and agreements with pertinent circles, a preliminary understanding was reached with the Foundation that an international conference on the displaced in the Sudan might be appropriately organized in cooperation with the United Nations and other international community agencies.

67. After the visit, the Representative contacted the Department of Humanitarian Affairs about the construction of an all-weather road to link Abyei with Muglad and the proposal for an international conference on the internally displaced in the Sudan. DHA officials expressed an interest in the proposals, but made any further action on the matter contingent on the outcome of negotiations that were under way with the Sudanese Government on humanitarian concerns.

68. In the follow-up letter, apart from its general commitment to "promote and improve the situation of the displaced in the Sudan", the Government welcomed the preliminary interest of DHA in the infrastructure for the delivery of humanitarian assistance and the proposed international conference on the internally displaced to be held in the Sudan.

69. The correspondence with the Government of the Sudan, like the one with Sri Lanka, demonstrates the potential of a cooperative relationship between the Representative and the concerned Governments toward the common objective of enhancing assistance, protection, and sustainable development for the internally displaced.

70. However, the fact that the situation of the internally displaced in the Sudan remains grave has been highlighted by the most recent report to the General Assembly by the Special Rapporteur on the human rights situation in the Sudan (A/49/539). The report expresses the serious concern of the Special Rapporteur about the Government's indiscriminate aerial bombardments of civilian targets in the south, especially of places where there are concentrations of the internally displaced. It describes the deteriorating health and food situation in some camps, for instance in and around Wau, Juba, Bor Torit, Abyei and Meiram, due to the refusal by the Government to grant access to international relief efforts to such areas and also due to the looting of convoys by the different factions of the Sudan People's Liberation Army (SPLA). The report draws attention in particular to the 800,000 children affected by the war in the south, including unaccompanied minors and those forcibly conscripted by all parties to the conflict. It expresses alarm at reports regarding the forcible return to areas under SPLA control or outside Khartoum. Nevertheless, the Special Rapporteur expressed his conviction that southerners and Nubas in the north were ready to return to their homes as soon as the necessary political and security conditions permitted them to do so. He called upon the Government to "cease immediately the deliberate and indiscriminate aerial bombardments of civilian targets" and to "give free access to regional and international humanitarian and human rights organizations throughout the country, in particular in the Nuba Mountains and the towns of southern Sudan". The Special Rapporteur also urged the international community "to address the continued interference by all parties in the distribution of humanitarian aid and relief that has direct and immediate effects on the civilian population in the war zones". He specifically called upon the Government and the other parties involved in the

armed conflict in central and southern Sudan to agree to a cease-fire, to intensify their efforts to come to a peaceful solution and to address the problem of displacement and create appropriate conditions for the displaced persons and refugees to return to their homes.

71. While the Government contested the specific findings of the Special Rapporteur, there can be no doubt that the situation of the internally displaced in general remains grave, especially in the war zone.

The former Yugoslavia

72. In the report following his joint mission with the Special Rapporteur to the former Yugoslavia in 1992 the Representative drew attention to the "ethnic cleansing" practices which caused massive internal and external displacement. He also described the disparity in the way the Serbian authorities treated Serb displaced persons and those who were non-Serbs. The situation has worsened since that time. According to the Special Rapporteur, by far the most extensive displacement of persons in Europe has occurred in Bosnia and Herzegovina in the areas under the control of the de facto Bosnian Serb authorities.

73. In his report of 4 November 1994 (A/49/641-S/1994/1252), the Special Rapporteur states that the scale of displacement of non-Serbs from Bosnian Serb-held territory greatly increased since mid-July 1994, following campaigns of terrorization and fundamental human rights violations. In recent months there has been a major wave of displacement from the Bijeljina region to Tuzla. There have also been displacements from areas such as Rogatica to Sarajevo and from Bolanski Most to Turbe. In total, between mid-July and 19 September 1994, at least 7,000 people were displaced. In addition, between mid-June and mid-September 1994, some 4,700 were displaced from the Bijeljina and Janja regions into territory controlled by the Government. The current wave of forced and fear-induced displacement is the largest since the summer of 1992. Muslims, Bosnian Croats and Roma have all suffered killings, violence, including rape, theft of property, and loss of jobs. They have also been deprived of access to educational and medical services.

74. The situation of Bosnian Serbs in Zenica also gives cause for concern. Although there is no evidence of any form of systematic campaign of terror, there is a strong perception of harassment and discrimination. In recent months there have been large displacements of women, children and non-military-age male Bosnian Serbs from Zenica to locations such as Ilidza in Sarajevo. The Bosnian Serb population of Zenica had as a result declined from 8,000 to 5,000 by July 1994. The hostilities in the Bihac pocket has also produced waves of internally displaced persons since the end of the summer of 1994.

75. With regard to Croatia, the Special Rapporteur on the former Yugoslavia reports that as of 22 July 1994 there were a total of 197,000 Croatian and other non-Serb displaced persons in Croatia having come from areas under the control of the so-called "Republic of Serbian Krajina". In the UNPAs approximately 110,000 persons, including displaced, were being assisted by the

international community in September 1994. Of these the majority were ethnic Serbs. Sixty per cent of the displaced population in the UNPAs were women and there were about 43,000 children.

76. The impasse in the peace-making efforts has prolonged the situation in which violations of fundamental human rights take place. Because of the ongoing conflict it is difficult at the present time to ascertain the plight of the displaced. The Special Rapporteur for the former Yugoslavia has called for the full restoration of freedom of movement to enable the return of displaced persons to their homes. He also has called on local and international parties to ensure delivery of adequate humanitarian aid during the winter months.

C. Countries not visited

77. Information is regularly received on the human rights situation of internally displaced persons in a large number of countries from a variety of sources. Some of this information is used in the preparation of country reports. Most of it, however, cannot be processed or appropriately followed up due to the very limited resources available to the mandate and the likelihood that correspondence on these matters will either be ignored or will receive an inadequate response. There is clearly need for an effective mechanism to have a regular dialogue with the Governments concerned in order to study and analyse the problems in their respective countries and attempt jointly to find solutions. This can best be done through the intensification of visits to affected countries where diplomatic intercession could be instrumental in preventing displacement or in preventing a further deterioration in the situation of the internally displaced.

78. The Representative is grateful for the information provided by other special rapporteurs and representatives of the Commission 16/ on a variety of countries that the Representative has not visited and urges the Governments of these States to take due consideration of the recommendations included in these reports as well as those of other human rights mechanisms and treaty bodies which address, directly or indirectly, the plight of the internally displaced in particular countries. 17/

79. A brief summary of some of the information provided by special rapporteurs and representatives is given as it pertains to countries not visited by the Representative.

Afghanistan

80. The Special Rapporteur on the human rights situation in Afghanistan reports (E/CN.4/1995/64) that there continues to be large numbers of internally displaced persons in the country, a problem compounded by the long duration of the conflict. The mass exodus of the population, both as refugees and internally displaced persons, began with the Soviet military intervention in December 1979. Soviet troops withdrew in February 1989 and the Islamic State of Afghanistan was established in April 1992. Since January 1994, the internal conflict has intensified and is being waged principally in the capital, Kabul, between armed groups belonging to coalitions of a number of political parties. As a result of incessant bombardment, rocketing and

shelling, some 243,100 persons have fled to Nangarhar province in eastern Afghanistan while 27,280 persons fled to the northern part of the country. In addition to those in the camps, several hundred thousand persons have taken refuge in their home villages or have been moving from one neighbourhood of Kabul to another. The Special Rapporteur has recommended the adoption of international and national legal measures concerning internally displaced persons, and an immediate halt to the fighting and the urgent search for a peaceful solution to the conflict in the country.

Cambodia

81. In his comprehensive study the Representative analysed the situation of the internally displaced in Cambodia. Various reports that he had received from that country indicated that there was significant disparity between the situation of those who were internally displaced and those who had been refugees along the Cambodia-Thailand border, and later returnees inside Cambodia, because the latter group benefited from the services of international organizations. Later, the UNTAC operation and its partners planned community-wide approaches to address more comprehensively these disparities and avoid the creation of conflicts between the communities.

82. Internal displacement in the country continues, however, to be a serious problem. The Special Representative for human rights in Cambodia in his latest report to the General Assembly (A/49/635) drew attention to the continuing displacement of Cambodians in some areas of the country, as well as to the inability of many displaced persons to return to their home areas because of the continuing conflict. He also expressed his concern for the discrimination faced by returnees, and for the plight of ethnic Vietnamese Cambodians on the border between Cambodia and Viet Nam. The Special Representative has recommended that the provisions restricting freedom of movement and freedom of residence of persons who are lawfully within Cambodia should be deleted from the Government's immigration bill, since they have a negative impact on the right of the displaced to return to their homes and home areas.

Iraq

83. In Iraq the problem of internal displacement is combined with chronic repression and a pattern of gross human rights violations. The Special Rapporteur on Iraq reports that in March 1991 popular uprisings in both southern and northern Iraq were followed by military actions by the Government of Iraq aimed at re-establishing government control over the territories. These events precipitated the exodus of almost 2 million persons to Turkey and the Islamic Republic of Iran, and thousands more to Jordan and Saudi Arabia. A large and coordinated humanitarian response from United Nations agencies was bolstered by the Security Council's adoption on 5 April 1991 of resolution 688 (1991). Acting on the authority of resolution 688, a coalition of States thereupon instituted a "no-fly zone" north of the 36 degree latitude and created a "safe haven" which facilitated the return of most refugees to large areas of Arbil, Dohuk and Suleymaniyah governorates. In the "safe haven" maintained in northern Iraq, there are tens of thousands of persons who are internally displaced from the areas which returned to government control, mainly from the governorate of Tamim (Kirkuk).

An unknown number have also been internally displaced from the formerly marsh areas of southern Iraq following military activities against the Marsh Arabs living in that area. Further, there have been regular reports of internal deportations of Iraqi citizens from one part of the country to another, usually Iraqi Kurds deported further north to the region outside government control or to the southern governorates. Recent reports also indicate that large numbers of persons resident in Baghdad have been required by law to return to the governorates of their ancestors in an effort to reduce the social pressures of a large population in the capital.

84. In his most recent report to the General Assembly (A/49/651) the Special Rapporteur made a number of recommendations which, if followed, would have a direct bearing on the situation of the internally displaced. These include the following: that the Government should halt immediately and reverse the draining of the marshes and cease its military activities against the civilian population of the southern marsh area; that it should cease to terrorize its civilian population in general; that it should end its internal economic embargoes on both the northern and the southern regions and take steps to cooperate with international humanitarian agencies in the provision of relief to those in need throughout Iraq; that it should agree to the stationing of United Nations human rights monitors throughout the country.

Myanmar

85. The problem of forced relocation and internal displacement on a wide scale in Myanmar over the past six years is one more illustration of the different ways in which displacement takes place. The Special Rapporteur on Myanmar in his latest report to the General Assembly (A/49/594 and Add.1) and previous reports has observed that since the independence of Myanmar (then Burma) from British colonial rule in 1948, the country has suffered from unresolved conflicts between most of the ethnic minorities of the country and the central authorities. These conflicts precipitated insurgencies in several parts of the country which have reportedly resulted in large numbers of internally displaced persons. Furthermore, in the past six years it has been estimated that over 1 million persons have been forcibly relocated, without compensation, to new towns, villages or relocation camps in which they are effectively detained. This displacement is also attributed to major development projects undertaken by the Government in the process of which large numbers of persons are removed from the lands designated for the projects without being assisted in relocation or appropriately compensated.

Zaire

86. Internally displaced persons in Zaire are mostly to be found in North Kivu and in Shaba and their displacement is attributed to ethnic and political violence in those areas. These problems are closely linked to the Banyarwanda population (Rwandese who have lived in Zaire for generations) as well as to the recent influx of Rwandese Hutu refugees to the country and illustrate the need for regional and comprehensive solutions to situations of internal displacement. The Special Rapporteur on Zaire recommended in his report to the Commission (E/CN.4/1995/67) that assistance with the return and reintegration of displaced persons be urgently provided, in particular for the

displaced in Shaba. He also noted that the problem of ethnic confrontations and displacement in North Kivu could not be solved unless solutions to the mass exodus of Rwandese refugees had been found.

Other countries

87. The Special Rapporteur on extrajudicial, summary or arbitrary executions (E/CN.4/1995/61) reports on massive internal displacement in Guatemala and Turkey as a result of indiscriminate bombing of civilian settlements as part of government counter-insurgency tactics. He expresses concern about reports of extrajudicial executions and threats, allegedly by security forces, against internally displaced persons in urban areas of Colombia, Peru and Djibouti. He calls on all Governments to do their utmost to avoid the massive exodus of populations and presents recommendations aimed at preventing abuses against the civilian population in counter-insurgency operations.

88. Non-governmental sources have reported internal displacement to be a grave problem in a large number of countries and on which no specific United Nations country mechanism is reporting. These include: Angola, Azerbaijan, Ethiopia, Georgia, Guatemala, Haiti, India, Liberia, Mozambique, Peru, Philippines, Russia (Chechnya), Sierra Leone, and Turkey. Moreover, in some cases, there is little international presence of any kind.

89. The Representative urges thematic human rights mechanisms and treaty bodies, as well as United Nations agencies present in those countries, to pay particular attention to the problem of internal displacement and to provide him with all the relevant information as well as any appropriate recommendations for action.

D. Capacity for country visits

90. It is evident that internal displacement is a global phenomenon that requires constant monitoring and follow-up. Serious limitations on resources, however, curtail significantly the number of country missions the Representative can undertake, the duration of the missions, and the number of staff (at present only one) who can make the logistical preparations for the visit, accompany the Representative, and do follow-up work. These factors seriously affect the Representative's ability to monitor situations of internal displacement as effectively as they warrant. At present, only a limited number of missions can be undertaken each year, with no provision and no funds available for follow-up activities, and no mandate for recruiting and utilizing expert volunteers. Although the Centre for Human Rights over the past year has managed to secure funding resources for a modest increase in the number of missions, far more extensive on-site monitoring is needed, and the duration of the missions must be adequate to enable meaningful discussion with the authorities, international organizations, NGOs and the displaced.

91. Additional funds and staff are needed to enhance on-site monitoring. Joint missions with country or thematic rapporteurs of the Commission have been envisaged and should be pursued, since they are cost-effective both for the Government concerned and for the resources which are available in the United Nations system. Consideration also should be given to the possibility of making use of members of NGOs and other expert volunteers who can provide

expertise on specific situations and issues. The mandate could also benefit considerably from on-site missions by United Nations agencies, NGOs and expert bodies looking into situations of internal displacement. Working collaboratively with experts and specialized institutions would help fulfil the responsibilities of the mandate more effectively. Because of the sensitivity of balancing sovereignty with responsibility in catering for the needs of the internally displaced, considerable discretion should be exercised in the selection, acceptance and management of support from private voluntary organizations.

III. COLLECTION OF INFORMATION

A. Sources of information

92. The availability of credible and up-to-date information is a requirement for the fulfilment of the mandate, whether in focusing on specific country missions or in preparing country profiles, or for purposes of follow-up or preventive activities. Currently, the main sources of information available on the internally displaced are the fact-finding missions; reports of other United Nations human rights mechanisms processed by the Centre for Human Rights; reports by United Nations agencies in the field; NGO reports; and communications by Governments.

93. Information pertinent to internal displacement is gathered by a great number of agencies present in the field, some of which reaches the public domain in the form of reports, in particular those published by NGOs. Much information, however, especially when collected by intergovernmental agencies, remains confidential. Under the leadership of DHA, some of the information in relation to cases of internal displacement in specific countries has been shared among the different agencies. This information, however, has not been systematically collected nor is it electronically accessible.

94. One attempt to systematize the collection of information has been made by the UNHCR Centre for Documentation on Refugees. Some of the databases of CDR on internally displaced persons have been utilized in preparing for country missions and reports; however, access has not been automatic since the pertinent office at the Centre for Human Rights is not yet connected to INTERNET or other electronic networks. It should also be mentioned that some of the information generated by the branch offices of UNHCR is confidential and cannot be used indiscriminately. Moreover, as UNHCR is not present in all situations of internal displacement, it does not have information on all situations.

95. DHA has not yet developed an information collection system on internal displacement although it coordinates inter-agency consultations on early warning of mass displacements and the Emergency Relief Coordinator has become a reference point for coordinating assistance for the internally displaced. In December 1994 the Inter-Agency Standing Committee recommended that the Emergency Relief Coordinator establish sufficient capacity to coordinate international response to problems of internal displacement (see chapter V). This implies developing adequate capacity for information gathering and processing.

96. Several NGOs have begun to amass documentation and information on internal displacement and some have made attempts to systematize the collection of information in particular countries, 18/ but to date no comprehensive information system has emerged.

B. Developing an information system

97. An information centre along the lines of the Centre for Documentation on Refugees established by UNHCR is needed to collect data on internally displaced populations on a worldwide basis. Such a centre specifically tailored to the needs of the internally displaced would go a long way towards identifying problems confronting displaced persons and alerting United Nations bodies to situations requiring attention. The creation of a centre would be an important step towards ensuring that situations of internal displacement are not overlooked or forgotten and that all serious situations are detected and well documented.

98. The collection of information needs to be systematized so as to provide a pool of information on the various dimensions of internal displacement, including how the problem of internal displacement is manifested in individual countries, what remedies are provided by the Governments and the international community, and what gaps exist that need to be filled. Specifically, this information would include facts about displacement, such as the economic, political and historical context; migratory traditions; numbers of displaced persons and how they are defined or identified; the different groups of displaced; demographic statistics, means of sustenance, shelter and housing arrangements; means of food acquisition; access to basic services; special protection concerns such as threats to life or physical integrity; restrictions with regard to movement, employment, education and access to courts; policy and programme dilemmas in dealing with the displaced; their opportunities for training, income generating projects and self-support; the national and local institutional framework for addressing problems and the capacity for response by Governments and the international community.

99. Particular attention needs to be paid to the collection of gender-specific information. Little information currently exists on the number of female-headed households, single unaccompanied women or school-aged girls in settings of internally displaced persons. To be sure, emergency situations and problems of access often make it difficult to collect such information. However, accurate gender-specific information is essential to effective programming. The African Women in Crisis Programme of UNIFEM, based in Nairobi, has begun to collect demographic data in locations in which projects for displaced women are planned. As relief and development agencies become more involved with the internally displaced, information on the skills and capacities of these populations will become essential.

100. Methodologies also have to be developed to ensure a consistent approach toward data collection and compilation of accurate statistics on internally displaced populations. One could envisage a standard format for the processing of such information. This could become a rich information source, which should be made easier with the use of electronic networks, in which it is expected that the Centre for Human Rights will start to participate in the

near future. It would be useful also to generate the resources for the publication of periodic reports covering the situations in countries with serious problems of internal displacement.

101. The absence of a central point within the United Nations system to bring together information on internally displaced persons is a serious gap. While some have expressed the hope that UNHCR or DHA might undertake to create an information centre on internal displacement, this has not become a realistic alternative to date. At present, there is no United Nations office that systematically collects data on all serious cases of internal displacement.

102. The office of the Representative should be in a position to bring together information from the UNHCR Centre for Documentation on Refugees, the Department of Humanitarian Affairs, humanitarian agencies in the field, the Centre for Human Rights, organizations and institutions outside the United Nations, and the displaced themselves. To accomplish this, adequate staff and resources will be needed. It has been suggested that NGOs should establish information networks in collaboration with the Representative and that regional information exchange networks should be created. Collaborative arrangements with regard to the generation of the necessary resources and the sharing of information should be encouraged.

103. The deployment of human rights field officers in areas where there are substantial numbers of internally displaced persons could serve as an important step towards collecting information. For instance, one source of information which will become increasingly important in the future is the establishment of field operations by the High Commissioner for Human Rights. It is important, therefore, to develop a set of guidelines regarding the collection of information on matters of internal displacement for distribution to human rights field offices, to the appropriate rapporteurs and working groups of the Commission and the Sub-Commission, and to humanitarian agencies and NGOs in the field.

Early warning information

104. Early warning has been on the priority list of many organizations for some years and NGOs and Governments have repeatedly called for more developed United Nations systems for the speedy processing of the information that flows from areas with emergencies. However, their experience has been that early warning is in vain unless there is a corresponding "early listening" on the part of the international community. The Ad Hoc Consultation on Early Warning of New Mass Flows of Refugees and Displaced Persons is expected to submit its final report to the Administrative Committee on Coordination (ACC) in 1995, in which it will address some of the outstanding issues relating to this process. It has been proposed that the Representative should be invited to participate in the work of the Ad Hoc Consultation and that he should share in the findings of their meetings. The Representative should be closely associated with early warning activities and the mechanisms established so that he will be in a better position to identify situations that could lead to mass displacement and mobilize action to address those situations.

IV. LEGAL STANDARDS

105. The value of having a legal framework more specific to the needs of the internally displaced has become increasingly evident. There is at present no clear formulation of the legal principles applicable to internally displaced persons and no instrument focused on their particular needs. The development of a targeted instrument would be particularly helpful in dialogues and discussions with Governments and other actors in the affected countries. The United Nations High Commissioner for Refugees and the Department of Humanitarian Affairs both have underlined the importance of establishing a legal framework that could be used by humanitarian organizations in their discussions with relevant authorities.

106. Although controversy still persists among lawyers as to whether or not the existing provisions of international law provide adequate coverage for the internally displaced, a consensus has developed in support of compiling the existing norms, evaluating them to assess the adequacy of their coverage, and filling whatever gaps may exist. Although implementation of the norms remains the main challenge, there is recognized value in identifying the legal principles applicable to the displaced and raising the level of international awareness of the problem and the need for solutions. The 1993 comprehensive study concluded that it would be useful to prepare a compilation/commentary of the existing international standards which are most relevant to the protection of the rights of internally displaced persons, as well as their further elaboration and inclusion in a body of principles. Both the Commission on Human Rights and the General Assembly have encouraged the preparation of a compilation and commentary on the existing norms.

107. This section of the report describes the work achieved in this area in terms of compiling and analysing the standards and of identifying gaps in the law. It also discusses definitional issues and the work of the Commission and the Sub-Commission in developing standards in the areas of forced evictions, population transfers, freedom from displacement, and the links between human rights and humanitarian activities. Finally, it discusses progress towards developing a legal framework.

A. Compilation of norms

108. At the request of the Representative, the compilation of the norms was undertaken by three highly accredited institutions. The Ludwig Boltzmann Institute of Human Rights (Vienna) prepared one compilation and commentary, and the American Society of International Law jointly with the International Human Rights Law Group (Washington D.C.) prepared another. A Legal Round Table, hosted by the Government of Austria in October 1994, gave the opportunity to experts and to representatives of international agencies to compare and comment on the two compilations/commentaries. The papers have been issued as working documents in an addendum/conference paper to the present report (Add. 3 and E/CN.4/1995/CRP.1); they will provide the basis for the drafting of a body of principles that will be presented to the Commission for consideration in the near future.

109. The first paper provides a consolidation of the provisions found in international human rights law and humanitarian law by selecting the rights

considered to be most relevant to the protection of the internally displaced ("rights approach"). The second paper follows a "needs approach", that is, it attempts to identify the needs of internally displaced persons and then describe the relevant human rights and humanitarian law that correspond to these needs in three categories: situations of internal tensions and disturbances and/or disasters; non-international armed conflicts; and international armed conflicts. The second paper, which is still in progress, will be submitted for review at a second meeting of experts to be held in Vienna in 1995. This meeting is also expected to work on the draft body of principles applicable to the internally displaced.

110. The work achieved so far is expected to provide an important legal foundation that can be used by the Representative, concerned Governments, and intergovernmental and non-governmental organizations working to provide assistance and protection to internally displaced persons. It has already clarified the scope of existing legal protections. In some cases it is possible to infer specific legal rights from existing general norms whereas in others, it may be preferable to articulate protections that are more appropriately tailored to the needs of the internally displaced.

111. Internally displaced persons currently lack protection under international law principally in situations which are below the threshold of application of humanitarian law and in which, simultaneously, human rights guarantees crucial for the displaced are legitimately derogated or restricted. A similar type of legal vacuum may exist in the case of States that have not ratified key treaties codifying human rights and humanitarian law. Lack of legal protection for the internally displaced also exists in situations other than armed conflict where non-governmental actors exert control or influence. In such situations, which can involve violence induced by private actors, abuses will generally not constitute international human rights violations, but infractions of a country's domestic laws.

112. The obligation of States to grant access to humanitarian agencies in order to provide protection and assistance is an area requiring further exploration. Both as a matter of law and as a matter of practice, the consent of the State concerned is normally required. At the same time, humanitarian organizations are expected to actively seek access, 19/ and Security Council resolutions have, on occasion, demanded access. 20/ One commentator has argued that an arbitrary refusal to permit the administration of humanitarian relief to internally displaced persons, in violation of their human rights, might constitute an abus de droit which cannot prevent the United Nations from discharging the tasks conferred upon it by the Charter. 21/ The African Commission on Human and Peoples' Rights recently has urged "governments and all concerned parties to recognize the right of humanitarian assistance of victims of war and displaced persons, and to allow humanitarian organizations access to all these populations in particular by respecting the impartiality and neutrality of humanitarian aid and allowing its delivery in safety". 22/

113. Both papers commissioned by the Representative arrive at similar conclusions as to the need for an elaboration of a body of principles, which would seek to address primarily the areas where there appears to be legal uncertainty or where clarification of the norms would be beneficial.

114. It is envisaged that the compilation/commentary, in its final form, will include a compilation of the existing provisions of international human rights and humanitarian law, relevant case law and "soft law" and an extensive commentary which would elaborate on the most pertinent standards. To the extent possible, each identified need would be covered by a provision or norm containing a corresponding right or other legal protection. Such a document would be useful for practitioners in governmental, intergovernmental and non-governmental agencies involved in the protection of the internally displaced.

115. It must be emphasized that adequate implementation of existing human rights and humanitarian law standards can significantly reduce the intensity of the problems faced by internally displaced persons. That is the reason why intergovernmental bodies and conferences, such as the Seminar on Protection of African Refugees and Internally Displaced Persons of the African Commission on Human and Peoples' Rights (Harare, 16-18 February 1994) and the International Colloquium in Commemoration of the Tenth Anniversary of the Cartagena Declaration on Refugees (San José, 5-7 December 1994) in their concluding statements have urged Governments and other concerned parties to respect human rights and humanitarian law and observe binding instruments.

B. Definitional issues

116. The question of how "internally displaced person" should be defined is central to many deliberations. When the United Nations Economic and Social Council considered for the first time the issue of internally displaced persons three years ago, it relied upon the definition contained in the 1992 analytical report of the Secretary-General which describes the internally displaced as "persons who have been forced to flee their homes suddenly or unexpectedly in large numbers, as a result of armed conflict, internal strife, systematic violations of human rights or natural or man-made disasters; and who are within the territory of their own country". 23/ This definition has been used as the working definition for the purposes of the mandate of the Representative of the Secretary-General. It is for the most part an adequate description of the phenomenon of internal displacement. It contains the two crucial elements of internal displacement: coerced movement and remaining within one's national borders. 24/ It also includes the major causes of displacement.

117. The definition appears to anticipate that it is to be used for the purpose of defining a category of persons to whom an appropriate agency could provide assistance and protection in an emergency. 25/ Field workers seem reportedly to agree that the definition must be useful from an operational point of view. 26/

118. There is no firm agreement, however, on what should be included in the definition. There are those, for example, who would prefer to see the internally displaced defined as persons in a refugee-like situation who have not crossed the borders of their country. As has been noted in previous reports, there is much to support the contention that the definition should focus on those who, if they had left their own country, would be considered refugees. 27/ In particular, the adoption of a definition similar to the definitions of refugee contained in the 1969 Organization of African Unity

Convention 28/ and the 1984 Cartagena Declaration are favoured. 29/ Definitions that follow that pattern are the definition adopted by the 1989 International Conference on Refugees in Central America (CIREFCA) 30/ and the definition used by the Permanent Consultation on Internal Displacement in the Americas (CPDIA). 31/ The emphasis in these definitions is on a presumed element of fear of persecution and on a consequent need for protection from large-scale human rights abuse emanating from internal strife or armed conflict; 32/ this is consistent with the Commission's own interest in and action with regard to the internally displaced.

119. Some oppose the definition's inclusion of natural disasters because persons so displaced would not qualify as refugees. 33/ Others, however, consider that this category of displacement should be within the scope of the mandate. They contend that there are too many cases where natural disasters such as famine are in actuality "man-made" disasters or the response of the national authorities is so inadequate that international attention is called for. Moreover, there have been well-documented cases of massive displacement resulting from a combination of natural causes and racial, social or political causes, in which serious and widespread human rights violations have occurred. Of course, if it is clear that those displaced by a natural disaster tend to receive assistance and protection without discrimination from their own Governments or from the international community, then there will be no need for international attention to address the situation.

120. There are those who would like to see the definition broadened to include development projects that cause relocation as well as the "returned displaced", or those who return to their home areas from abroad but have lost their land, home or means of production. 34/

121. The phrase fleeing "in large numbers" has been questioned. Some United Nations agencies favour this formulation because it describes the type of tragedy which triggers most acutely the concern of the international community. Others, however, fear that this formulation will exclude individuals fleeing alone or in small numbers, a concern raised by human rights groups, Governments, and relief organizations. The problem was highlighted during the mission to Colombia, where the internally displaced were found to flee in small numbers. 35/

122. The question also has been posed as to whether it would not be preferable to use one definition for all those displaced, whether within or outside their countries. 36/ It seems unlikely, however, that the international community would be prepared to consider such a step. Besides, crossing an international border means that the person falls under a different sovereign entity that bears towards that person obligations founded on a different legal basis from the one determining the duties it owes to its own citizens.

123. There are some, it should be noted, who question whether there should be a definition at all. They warn against a definition that would leave out people who would not meet the "formal" criteria. According to them, the focus should be on all persons "in need". Assistance should be targeted towards communities on the basis of need not on the basis of the status of individuals as refugees or displaced. 37/ In such circumstances, assistance and

protection must be provided to all those at risk. The International Committee of the Red Cross (ICRC), for example, provides assistance and protection to all civilian victims of non-international armed conflict, whether or not they are displaced; UNHCR has also targeted assistance to all those affected. It is, however, well established that those internally displaced often share certain problems and characteristics that need to be delineated. It is not only appropriate but urgent to focus on the rights and needs of the millions of persons around the world who come within this specific group. Too often, the scope of the target population receiving assistance and protection does not adequately include those who are internally displaced. It is indisputable, for instance, that there is considerable discrepancy in the ways in which refugees and internally displaced persons are perceived and treated by the international community, even when they face similar problems and sometimes in virtually the same circumstances. The main purpose of the definition is not to create a new category of persons having special rights, but to ensure that protections recognized as the rights of persons in certain situations are extended to others in analogous situations and thereby promote a more harmonious and coherent approach to human rights.

124. It must be expected that the definition of "internally displaced person" will be used in a variety of contexts to assign rights and responsibilities to individuals and authorities. Since action taken in the context of law must be comprehended and pursued with due regard to its implications for the assignment of rights and responsibilities, and, in the case of internally displaced persons, to the specific functions of the international community in protecting them, the definition should maintain a degree of flexibility and allow for prima facie recognitions of a declaratory nature. Enumeration of causes should be indicative rather than exhaustive. At the same time, a definition should achieve a sufficient degree of precision in conformity with the principle that subjects of the law must know how to behave both in terms of rights and duties. 38/

125. The Legal Round Table in Vienna recommended that the Representative give further consideration to the working definition of internally displaced persons, in particular with reference to the terms "home", "in large numbers" and "their own country". It suggested that these issues could be addressed by amending the working definition to read as follows: "Persons or groups of persons who have been forced to flee their homes or places of habitual residence suddenly or unexpectedly as a result of armed conflict, internal strife, systematic violations of human rights or natural or man-made disasters, and who have not crossed an internationally recognized State border."

126. It is to be expected that when the draft body of principles on internally displaced persons is prepared, these and other points will be discussed and a working definition finalized. The adoption of a definition will facilitate the gathering of statistics and other data on internally displaced persons and prove useful to operational agencies in the field. At the same time, the definition will need to be both flexible and specific enough to cover those who most need special protection and assistance. Clearly, a balance will need to be struck between too narrow a definition that risks excluding people and too broad a definition that could prove operationally unmanageable.

127. The term "protection" also needs clarification. Many local NGOs tend to think of protection merely as a humanitarian matter, an integral part of assistance ("saving lives by providing aid", as one NGO put it), not primarily as a human rights matter. Only a small number of local NGOs in the NRC survey referred to human rights as the basis of protection. Either the human rights basis was too obvious to be mentioned, or the field workers were more used to think of displaced persons as having needs that must be met than as having legal rights that must be promoted.

C. Other relevant standards

128. Recent initiatives by the Sub-Commission on Prevention of Discrimination and Protection of Minorities are directly related to standards for the internally displaced, in particular its work on freedom of movement and the instances in which forced population movements are prohibited. In resolution 1990/17, the Sub-Commission decided to consider the matter of the human rights dimensions of population transfer, including the implantation of settlers, and in its resolution 1992/28 entrusted two of its members as Special Rapporteurs with preparing a preliminary study on the human rights dimensions of population transfer. Two reports have been submitted to the Sub-Commission (E/CN.4/Sub.2/1993/17 and Corr.1 and E/CN.4/Sub.2/1994/18 and Corr.1). The first sought to review the phenomenon of forcible population transfer in a comprehensive manner. The second concentrated on specific areas with the aim of appraising the normative structure applicable to population transfer. It argued that human rights standards are useful in defining the conduct of States in the protection of populations against arbitrary displacement as well as in the course of displacement. It generally proposed that international law prohibits the transfer of persons and the implantation of settlers and also described permissive standards of international law that would justify population transfer. It also submitted that the non-realization of economic, social and cultural rights may provoke mass population movements. It stated further that the general standards applicable to conflicts of both an internal and an international character prohibit the forced relocation of civilians. It finally discussed the subject of State responsibility and population transfer.

129. Further, the Sub-Commission at its forty-sixth session adopted resolution 1994/24 entitled "The right to freedom of movement", in which it affirmed the right of persons to remain in peace in their own homes, on their own lands and in their own countries; it also affirmed the right of refugees and displaced persons to return, in safety and dignity, to their country of origin and/or within it, to their place of origin or choice; it urged Governments and other actors involved to do everything possible in order to cease at once all practices of forced displacement, population transfer and "ethnic cleansing" in violation of international legal standards; and it decided to include under its agenda item entitled "Freedom of movement" a sub-item relating to questions of displacement entitled "Population displacement" and to keep under constant review respect for the right to freedom of movement, including the right to remain and to return. This is an important development in so far as it streamlines the work of the Sub-Commission that relates to displacement.

130. Also of direct relevance to the legal aspects of internal displacement is the Declaration of Minimum Humanitarian Standards (Turku/Abo Declaration) (see E/CN.4/1995/116), which the Sub-Commission transmitted to the Commission in August 1994 for consideration with a view to its further elaboration and eventual adoption. The Declaration affirms minimum humanitarian standards which are, or should be, applicable in all situations, including internal violence, disturbances, tensions and public emergency, and which cannot be derogated from under any circumstances.

131. Other mandates of the Commission and the Sub-Commission also have a direct bearing on the mandate of internally displaced persons. In particular, the Working Group on Indigenous Populations in its draft declaration on the rights of indigenous peoples, as adopted at the forty-sixth session of the Sub-Commission, addresses the issue of their forcible relocation and declares that they shall not be forcibly removed and relocated without their free and informed consent. Other relevant issues are raised in the Sub-Commission report on the role of the United Nations in international humanitarian activities and assistance and human rights enforcement (E/CN.4/Sub.2/1994/39), by the Special Rapporteur on human rights and the environment (appointed by Sub-Commission resolution 1990/7), and by the Special Rapporteur on the right to adequate housing (appointed by Sub-Commission resolution 1992/26). An analytical report of the Secretary-General on the practice of forced evictions (E/CN.4/1994/20) was submitted to the Commission at its fiftieth session. The report concluded that while the practice of forced evictions may take various forms and affect individual households as well as whole communities, there exist certain common characteristics associated with it, namely, that the victims are almost always the poorest, socially most disadvantaged sectors of society, and that a certain degree of violence is involved. It stressed the need for new legislation and effective mechanisms geared to the prevention of forced evictions. The work of the Committee on Economic, Social and Cultural Rights, especially with regard to the right to housing, and of other treaty bodies, is of importance as well. The Representative has already established contact with the Sub-Commission Special Rapporteurs on population transfer and on human rights and the environment.

132. The issue of the production and use of anti-personnel land-mines is another area to which attention has been drawn by the United Nations. 39/ Mines are a major security obstacle for the free movement and especially the return of the displaced, and it is reported that thousands have been killed during the resettlement process. The Land Mines Protocol, annexed to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May be Deemed to be Excessively Injurious or to Have Indiscriminate Effects, does not regulate the production, stockpiling, transfer, or export of land-mines. A report of the Secretary-General to the General Assembly in September 1994 (A/49/357) recommended a complete ban on the production, use and transfer of all land-mines. At its forty-ninth session, the General Assembly adopted resolution 49/75 entitled "Moratorium on the export of anti-personnel land-mines" in which it urged States that have not yet done so to declare a moratorium at the earliest possible date.

133. Finally, safeguarding the safety of field workers themselves and ensuring their safe access to the victims of humanitarian emergencies is an area in

which standards recently have been developed. In 1994 the General Assembly adopted the Convention on the Safety of United Nations and Associated Personnel (resolution 49/59 annex). It provides for the duty to ensure the safety of such personnel and to release any personnel captured or detained.

D. Developing the legal framework

134. In light of the two reports on the norms applicable to the internally displaced prepared by legal institutions and the consultations with a wide range of experts, including the Vienna Round Table, a general consensus is emerging that it would be useful to proceed with an elaboration of a body of principles. This would seek not only to fill legal gaps, but also to restate obligations within the framework of existing norms. Such an instrument would sharpen awareness of the problems faced by internally displaced persons and facilitate implementation of the relevant standards.

135. Experts have found that provisions of existing human rights and humanitarian law are not explicit in the rights applicable to internally displaced persons and for this reason consider it essential to articulate protections more appropriately tailored to the needs of the internally displaced. In particular they have recommended that principles be explicitly enunciated: to ensure safe access by displaced persons to essential facilities and commodities needed for survival; to prohibit deliberate starvation; to provide a right to documentation in order to ensure the means to exercise all legal rights; to guarantee freedom of movement and residence for the internally displaced, and protect against arbitrary individual or mass transfers unless the security of civilians or imperative military reasons so demand; to prohibit forced return to conditions of danger; to provide a right to return to one's habitual place of residence or to resettle in another safe place; to respect and ensure the freedom and means to exercise the right to seek asylum; to require that conscription practices comply with domestic and international legal standards and in particular international law relating to due process and non-discrimination, and to require that the parties to all conflicts neither conscript nor recruit children to participate in hostilities; to prohibit the production and use of anti-personnel land-mines, of which the displaced are often victim; to provide special protections for internally displaced women, children and other vulnerable groups.

136. In developing a body of principles, due consideration will be taken of related exercises, such as the Turku/Abo Declaration of Minimum Humanitarian Standards, the San Remo Declaration on the Rules of international humanitarian law governing the conduct of hostilities in non-international armed conflicts, and relevant work of the Sub-Commission. As mentioned earlier, it is planned that a meeting of experts will review the draft body of principles prior to its consideration by the Commission on Human Rights and other organs of the United Nations.

137. The Committee on Internally Displaced Persons of the International Law Association has observed that international law as it pertains to internal displacement can be distinguished in the following ways: the norms applicable before situations of internal displacement occur (i.e. those norms relating to remedying the root causes and thus serving to prevent situations of internal displacement from occurring); the norms applicable in situations of internal

displacement (i.e. those norms concerned with meeting the imminent assistance and protection needs of internally displaced persons); and the norms to be applied in order to solve situations of internal displacement (i.e. those norms relating to the implementation of the wishes of the individual internally displaced persons to return to their homes as well as the corresponding obligations incumbent upon the State(s) concerned and the international community). 40/ The draft body of principles will take note of these different areas of the law.

138. The UNHCR Executive Committee, in a Conclusion adopted in October 1994, welcomed the efforts to compile existing international standards in respect of the treatment of the internally displaced, and to develop a code of conduct comprising guiding principles. The Addis Ababa Document on Refugees and Forced Population Displacements in Africa, adopted by a seminar organized by the OAU and UNHCR in 1994, expressed support for the work of the Representative of the Secretary-General to promote appropriate legal mechanisms for the better protection and assistance of internally displaced persons. In December 1994, the San José Declaration on Refugees and Displaced Persons, adopted by all Latin American Governments, expressed the commitment to encourage and contribute to the preparation of an international declaration of principles and basic rules for the protection and humanitarian treatment of all internally displaced persons. The High Commissioner for Human Rights has further underlined the importance of the Representative's bringing together human rights, humanitarian and refugee law and developing norms applicable to cases of internal displacement. 41/

V. INSTITUTIONAL MECHANISMS

139. As no single operational agency in the international system has responsibility for the internally displaced, the most effective system at this point is one that builds upon existing capacities. This section of the report reviews these capacities and the role they are currently playing on behalf of the internally displaced in order to evaluate the extent to which assistance and protection needs can best be addressed.

A. United Nations and other international entities

140. In recent years, there has been a growing willingness on the part of the international community to assume greater responsibility for the internally displaced. To be sure, responsibility for assisting and protecting internally displaced persons lies in the first instance with the home country. If, however, the country is unable or unwilling to meet the minimum standards required by humanitarian or human rights law, then these guarantees may be met through international assistance. Both within and outside the United Nations system, intergovernmental, regional, and non-governmental bodies are actively exploring and developing new approaches to increasing assistance and protection for the internally displaced, and definite progress is under way towards developing a more coherent approach.

141. The mandate on internally displaced persons has been carried out in close cooperation with international agencies. The Representative has maintained close contacts with the Secretary-General himself, the High Commissioner for Human Rights, the United Nations High Commissioner for Refugees, the

Under-Secretary-General for Humanitarian Affairs, the Administrator of UNDP and the Chairman of the International Committee of the Red Cross. He has also kept in touch with senior officials and directors of regional bureaux within these organizations for exchange of information on developments in the field and views on possible cooperation. He has participated in the work of the Inter-Agency Task Force on Internally Displaced Persons, chaired by the Department of Humanitarian Affairs, and addressed in May 1994 UNHCR's Sub-Committee of the Whole on International Protection of the Executive Committee of the High Commissioner's Programme.

142. During his missions to the field, the Representative has held extensive consultations with the officials of resident United Nations and other humanitarian agencies. During a stopover in Nairobi, for example, he met with representatives of the United Nations agencies that participate in relief and development work in Kenya, the Horn of Africa and Central Africa, and had debriefing meetings with the UNDP Programme for Internally Displaced Persons in Kenya, and with the African Women in Crisis Programme of UNIFEM. While in Colombia, he met with representatives of the Programme of Development of Displaced, Refugees and Returnees (PRODERE), a pilot project introduced in Central America.

143. While the United Nations system has not yet come up with a comprehensive plan for improving its capacity to respond to situations of internal displacement, important developments have occurred in the work of all humanitarian agencies that have involvement with the internally displaced.

Office of the United Nations High Commissioner for Refugees

144. Of all the United Nations agencies, UNHCR has taken on the broadest assistance and protection role for internally displaced persons. Although its mandate does not include internally displaced persons, UNHCR has increasingly become involved in situations of internal displacement at the request of the Secretary-General or the General Assembly. In 1993 UNHCR adopted criteria for its involvement with the internally displaced to clarify its involvement. The criteria provide that it will assume "primary responsibility" in situations where there is "a direct link" with its basic activities for refugees, in particular those situations in which returning refugees are mingled with internally displaced populations and those situations where there is "a significant risk" that the internally displaced will become a refugee problem. Although its criteria are broad, UNHCR does not become involved in all situations of internal displacement.

145. Where UNHCR does assume responsibility for internally displaced persons, its involvement is comprehensive, comprising both protection and assistance. "Humanitarian action", the High Commissioner has affirmed, "is not only about the delivery of relief but first and foremost about ensuring the basic human rights and security of the victims on all sides of a conflict". 42/

146. As UNHCR has become increasingly thrust into situations of internal displacement, its role, particularly in the area of protection, has had to expand. A recent report to its Executive Committee described the many new tasks UNHCR staff have been called upon to perform in defence of the internally displaced. These include monitoring the treatment of threatened

minority groups, intervening with the authorities to request protective action, providing assistance and protection in temporary relief centres, and assisting Governments with the provision of personal documentation. In situations of armed conflict or of massive violations of human rights, UNHCR activities have expanded to include assisting the safe passage of civilians through front lines, relocating and evacuating civilians from conflict areas, assisting besieged populations who are unable or unwilling to move from their homes, intervening with local authorities to prevent the involuntary return of the internally displaced to areas of danger, alerting Governments and the public to human rights abuses, and promoting the right of the internally displaced to return voluntarily to their homes. UNHCR has also participated in mediation and reconciliation efforts between returning displaced persons and local residents. 43/

147. With UNHCR seeking to address the special assistance and protection concerns of internally displaced persons, it has become evident that far more expertise and resources are needed than UNHCR can currently call upon and that UNHCR alone cannot be expected to deal with the full range of these problems. Training is necessary to develop the expertise in international human rights and humanitarian law, which form the legal foundation for the protection of the internally displaced and of protection activities for them. Training is also necessary in the practical measures needed to protect the physical security of displaced persons. To UNHCR protection has traditionally meant defending the rights of refugees to asylum and non-refoulement. Protection in a country of origin is quite different. A UNHCR report on its operational experience with internally displaced persons describes the difficulties faced by the agency in trying to extend protection to those displaced in situations of internal conflict. 44/ In many instances UNHCR has had to expand collaboration with others, most notably ICRC and human rights bodies, to devise strategies to address protection concerns.

148. UNHCR's greater involvement with the internally displaced has raised serious concerns for the agency. There are fears that its involvement will change the character of the agency and detract from its primary responsibility of helping refugees in countries of asylum. Additional problems have also been raised: the shortage of resources, the lack of a legal framework, the difficulty of protecting persons in a situation of armed conflict, the high risk to staff and, most importantly, the conflict that invariably arises between protecting people in their countries of origin and simultaneously defending their right to leave their country and seek asylum from persecution. Further problems have arisen when UNHCR has sought to address the problems of both refugees and internally displaced persons in the same country.

149. Nevertheless, UNHCR has made increasingly clear that it may not always be reasonable nor feasible to make distinctions between the internally displaced and refugee movements. As pointed out in a recent report to its Executive Committee,

> "To the extent that refugee flows and internal displacement have the same causes, it makes little sense to deal only with the trans-frontier aspects of coerced population movements, either in responding to immediate humanitarian needs or in seeking solutions. From the vantage point of UNHCR, as the international agency responsible for refugees, it

is clearly preferable, where possible, to obviate the need for people to leave their country - and thus to become refugees - in order to find safety and to obtain vital humanitarian assistance." 45/

The General Assembly has called upon the agency to continue to explore and undertake protection and assistance activities for the internally displaced and has also expressed support for UNHCR's efforts that contribute to the prevention of refugee problems (resolution 48/116 of 20 December 1993). In October 1994 the Executive Committee adopted a Conclusion on Internally Displaced Persons which encouraged the High Commissioner to continue the efforts of her Office to put into action its internal criteria and guidelines for UNHCR involvement in situations of internal displacement. It also called for closer cooperation with the Representative of the Secretary-General, with the Emergency Relief Coordinator and with existing humanitarian agencies and NGOs in addressing the problem of internal displacement. The General Assembly in 1994 further recognized the importance of the close cooperation between the United Nations High Commissioner for Refugees and the Representative of the Secretary-General, and of the cooperation with ICRC, with respect to prevention, protection, humanitarian assistance and solutions.

International Committee of the Red Cross

150. ICRC has had long experience in protecting civilians in armed conflict situations and more recently has been expanding its capacity to protect and assist civilians in internal conflicts. Of all the institutions dealing with internally displaced persons, ICRC certainly has the clearest mandate to assist and protect victims of internal conflict who constitute, if not the largest group, at least the most complex one among the internally displaced. It also has become directly involved in situations of internal strife by exercising the right of initiative accorded to ICRC by the Statutes of the International Red Cross and Red Crescent Movement. Recent resolutions of ICRC's Council of Delegates have endorsed ICRC's involvement in a broad range of situations, and ICRC has allocated more than 80 per cent of its field budget to protecting and assisting civilians in non-international armed conflicts.

151. ICRC makes no distinction between assistance and protection activities. While relief and development agencies often consider that protection responsibilities could jeopardize their assistance role, ICRC has been accepted by both Governments and insurgent forces in carrying out a joint assistance and protection role. One of ICRC's organizational strengths is that its representatives extend protection on both sides in conflict situations and seek to reach those whom other humanitarian organizations cannot reach because of hazardous security conditions or political obstacles. ICRC's responsibility, moreover, is to the victims of conflict in contrast to that of the United Nations, which is primarily to Governments. And unlike other agencies, it never delegates its work in the field to others, which enables it to ensure that its operations meet ICRC standards.

152. At the same time, ICRC's independence and insistence on confidentiality sometimes complicate its ability to work with other agencies in the field. The enormity of humanitarian emergencies makes collaborative work essential. Collaboration is not always easy, however, either because ICRC has its own

rules of operation or because the United Nations operations are not always perceived as neutral, in which case ICRC may wish to distance itself to ensure respect for its independence and neutrality. ICRC may also be precluded from involvement when internal displacement is unrelated to warfare and when its conditions for involvement are not met. In such cases it needs to continue its exploration of ways it can cooperate with United Nations agencies and NGOs that can provide additional support in the area of protection. In recent years, ICRC has endeavoured to find ways of working in closer consultation with other agencies while maintaining its independence.

United Nations Development Programme

153. Often resident representatives of UNDP act in two capacities: as the senior official of UNDP in the country concerned and as the resident coordinator of the United Nations system in that country. As resident coordinators, they are charged with "coordinating assistance for internally displaced persons" in close cooperation with Governments, donors and United Nations agencies in the field (General Assembly resolution 44/136 of 15 December 1989, para. 7). There is a recent trend, however, toward broadening the choice for the post of the resident coordinator so that an individual other than the resident representative can be selected in situations of complex emergency.

154. Resident representatives of UNDP of course report to UNDP headquarters. As resident coordinators dealing with emergency assistance, however, they report to the Department of Humanitarian Affairs (DHA). When dealing with economic and social issues, they report to the office of the Under-Secretary-General for Policy Coordination and Sustainable Development. In the area of human rights and protection, however, they report to no one. It has been suggested that the High Commissioner for Human Rights, whose mandate includes the coordination of human rights throughout the United Nations system, could be the focal point for such reporting by the resident coordinators.

155. Though progress is being made, substantial effort is still required to gain greater clarity regarding the dual role of UNDP officials as resident representatives and resident coordinators. Certainly there has been some questioning within UNDP of the involvement of their senior officials in the field with issues other than development ones. The proliferation of internal conflicts, the existence of collapsed and reforming States, and the occurrence of famine and drought, however, have generated a multiplicity of emergency situations in the developing world that the United Nations system is increasingly called upon to address. Inevitably, UNDP officials in the field have been requested to help out.

156. In most emergency situations, the UNDP resident representatives serve as the resident coordinators of the United Nations system. Since 1994, however, the Emergency Relief Coordinator, on behalf of the Secretary-General, has been authorized to assess in each complex emergency whether a "humanitarian coordinator" other than the resident representative might be required. At present, a broader roster of potential humanitarian coordinators is being created.

157. To assist UNDP officials and others increase their expertise in performing emergency functions in the field, UNDP resident representatives are being trained under the Disaster Management Training Programme administered jointly by DHA and UNDP. These training efforts very much need to be continued and expanded so that more UNDP officials become acquainted with emergency work, conflict resolution processes, early warning techniques and human rights and protection principles. A special office concerned with humanitarian emergencies has also been established in UNDP to facilitate these training programmes and to encourage more effective engagement of UNDP capacities in emergency situations, including those aspects which pertain to the continuum from relief to development.

158. The impact of these efforts has been greater acceptance by UNDP that some of its key officials in the field and at headquarters will have to be substantially concerned and involved with humanitarian emergencies. In general, UNDP officials have focused on all persons in need. When they have had specifically to address internally displaced persons, their primary focus has been on material needs.

159. Most resident coordinators do not consider protection or human rights concerns to be compatible with their responsibility of serving as resident representatives of UNDP. In this position they work closely with Governments on development programmes and fear that involvement with protection issues will exceed their mandate or result in their expulsion. Moreover, a number of Governments have objected to the weaving of humanitarian and human rights issues into development themes. 46/ At the same time, the fact remains that human rights issues are within the ambit of all United Nations activities according to the Charter. The capacity of resident coordinators will need to be strengthened to enable them to address the protection dimension of emergency situations or at least assure that protection issues are dealt with regularly. When resident coordinators are not in a position to raise protection issues, they should be expected to develop closer working relationships with those who can, including international and local NGOs and non-State actors. They also should be expected to contact human rights bodies and, in the specific case of internal displacement, the Representative of the Secretary-General on internally displaced persons. The Administrator has shown considerable interest in the work of the Representative and a cooperative relationship with the resident coordinators has begun which promises to facilitate the mandate significantly.

160. Greater efforts also need to be made to bridge the gap between UNDP's long-term development role in a country and the function of assisting displaced persons on an emergency basis. In 1990, UNDP endorsed the view that UNDP staff should engage themselves more fully in the early phases of an emergency and that relief and development work should be more closely linked. As this becomes the case, UNDP will have to develop greater expertise in working with internally displaced populations on an emergency basis and also in designing development programmes to meet their longer-term needs.

161. One promising programme for internally displaced persons that combines both the emergency and development phases can be found in Kenya. The UNDP programme was triggered by the ethnic violence that erupted in 1991, affecting various parts of the country. It was estimated that at the height of the

disturbances, up to 300,000 people were affected by displacement or by disruption of their business and professional lives. The Programme for Displaced Persons, initiated and implemented by UNDP, involves the Government, United Nations agencies, religious organizations, NGOs and the communities affected by ethnic clashes. Its purpose is to monitor and support the process of mediation and reconciliation among involved parties, undertake rehabilitation and sustainable development projects, initiate reforms in land tenure and physical and economic security, and promote income-generating activities. As a result, a National Coordinating Committee for Displaced Persons has been established and quick impact projects have been implemented for the internally displaced, with activities concentrated on sectors such as shelter, health, agriculture, livestock, and education, with special emphasis paid to women-headed households and to legal assistance.

United Nations Children's Fund

162. UNICEF has become involved in many situations of internal displacement through its efforts to improve the lives of women and children by providing services in the areas of health care, education, nutrition and sanitation. While its primary concern remains assistance, UNICEF offers a good example of a relief agency that has recognized the integral connection between assistance and protection. It has made efforts to address protection problems particularly when they affect the delivery of assistance. For example, it has adopted a policy on the protection of children in "especially difficult circumstances" and has been in the forefront of negotiations with all sides in conflict situations to gain access to children in need. It has secured agreement for relief corridors, such as Operation Lifeline Sudan, enabling it to reach children behind government and insurgent lines. It was a leading advocate of the Convention on the Rights of the Child and has been providing information to the Committee on the Rights of the Child. In particularly egregious situations it has made public statements. It has further been suggested that UNICEF pay even greater attention to protection issues, in particular, forcible conscription or sexual violence. It also has engaged in longer-term programming that goes beyond the emergency phase.

163. It should be borne in mind that UNICEF's commitment is to children and women as a category of people in need. Where other agencies have been given a mandate to assist and protect a group of people as a whole, UNICEF takes the position that they - and not UNICEF - should bear the responsibility to aid all persons, including women and children. This policy should be taken into account in deciding whether assisting and protecting internally displaced persons should become the mandate of a single agency.

World Food Programme

164. WFP has been providing food aid to internally displaced persons for the past 30 years. Internally displaced persons constitute 35 per cent of the 47 million persons to whom WFP provides assistance. Whilst relief characterizes almost all operations in their early stages, many are transformed into development projects usually in collaboration with other agencies, NGOs or bilateral donors.

World Health Organization

165. WHO monitors the health situation and health care delivery systems in member States, which are requested to provide data on a set of indicators for the country as a whole as well as for the different geographical areas, and for male, female, urban, rural and priority population groups. WHO becomes involved in a situation of internal displacement when health services have been disrupted, or when a specific group of internally displaced persons has been identified as "special" by the United Nations, in which case WHO assumes its responsibility for providing or assisting in the provision of health services to these persons.

International Organization for Migration

166. IOM has the mandate to provide migration assistance, and sometimes de facto protection, to displaced persons (both internally and externally displaced), with the consent of the State concerned. On the basis of this mandate, the organization has concluded with numerous member and observer States cooperation agreements that stipulate the involvement of IOM in internal migration and the provision of migration assistance or protection to internally displaced persons. IOM's various activities constitute, in specific circumstances, a form of protection in so far as they help ensure the realization of fundamental human rights.

167. IOM has been involved with internally displaced persons in rapid analysis of migratory flows, the development of national population information systems, census taking, technical assistance to Governments and in organizing transport for internally displaced persons, or providing health care and assistance with resettlement and reintegration. In this connection, a number of pertinent issues need to be addressed: for instance, the organization of the registration of internally displaced persons requires that effective safeguards be developed against potential abuse. Transporting people back to war-torn countries or moving ethnic groups from one area of a country to another raises the question of whether the movements are voluntary and whether conditions are sufficiently safe to warrant return. Guidelines may well be needed to address such concerns and collaborative monitoring undertaken with human rights bodies to ensure that protection is ensured during the return and resettlement process.

High Commissioner for Human Rights

168. The High Commissioner for Human Rights, with a general mandate for prevention, promotion and protection of human rights, can lend authority and support to efforts to provide improved protection to the internally displaced. The High Commissioner is in a position to raise specific cases of internal displacement in his dialogues with Governments. He has indicated a strong interest in ensuring that the recommendations made by representatives and rapporteurs of the Commission are carried out, and in particular he has expressed his support for the work of the Representative of the Secretary-General on internally displaced persons. Under his authority, field officers have already been deployed and actively looking into human rights issues of internal displacement in Rwanda; in Burundi, a preventive presence has been established.

169. The High Commissioner has given special importance to strengthening the ability of the Centre for Human Rights and the Commission on Human Rights to react rapidly to human rights emergencies. In the case of Rwanda, he played an important role in seeing that an emergency session of the Commission was called. He also has been taking steps to expand the flow of emergency information to the Centre and has announced plans for a human rights database to assist rapporteurs and representatives. At the same time, the resources and staff of the High Commissioner are limited. Greater resources would allow him to assure greater priority to human rights and protection concerns in the United Nations response to humanitarian emergencies.

Department of Humanitarian Affairs

170. Clearly, the international entities discussed have a great capacity to respond to the needs of the internally displaced. In recent years it has become increasingly clear that weaknesses in the system often stem not so much from a lack of capacity as from inability to coordinate effectively the capacity that exists. The need for more effective coordination of humanitarian assistance led to the creation in 1991 of the post of Emergency Relief Coordinator (or Under-Secretary-General for Humanitarian Affairs), and subsequently the Department of Humanitarian Affairs.

171. DHA's responsibilities include determining which humanitarian emergencies require coordination by the United Nations, assigning responsibility to agencies in the field, coordinating a consolidated appeals process to mobilize contributions for emergency humanitarian response, allocating emergency funds and ensuring the inclusion of rehabilitation and reconstruction elements in emergency relief operations. The Inter-Agency Standing Committee (IASC), which is composed of the heads of the major United Nations relief and development agencies, 47/ is chaired by DHA and serves as a vehicle for DHA's coordinating role in emergency situations.

172. As noted above, the Under-Secretary-General for Humanitarian Affairs retains a direct link in the field through resident coordinators who report to him when dealing with humanitarian issues. One of the Under-Secretary-General's more important roles is to appear at the Security Council as the United Nations system's advocate for humanitarian causes, which should include situations of internal displacement.

173. Although DHA has no protection responsibilities per se, it cannot effectively coordinate emergency assistance or negotiate access to emergency areas without acknowledging the integral link between humanitarian assistance and protection. In delegating responsibility when emergencies occur, it must be aware of the degree to which the United Nations and other agencies are capable of providing protection and the degree to which their capacities must be strengthened.

174. DHA officials tend to view internally displaced persons as one group among many in a humanitarian emergency whose needs have to be addressed, and these needs are defined primarily in humanitarian and material terms. While there are many difficulties and challenges associated with coordinating humanitarian relief in emergency situations, DHA must find ways of assuring that improved coordination of humanitarian assistance in complex emergencies

does not exclude from consideration fundamental protection issues merely on the technical ground that DHA's mandate is not sufficiently comprehensive. The role DHA plays in encouraging a coordinated response to problems of the internally displaced will be seen as an important litmus test of its readiness to play a leadership role within the United Nations system in shaping comprehensive strategies and approaches to addressing the humanitarian dimension of complex emergencies.

B. Strengthening collaborative arrangements

175. "The magnitude of the problem" of internal displacement, the United Nations High Commissioner for Refugees has observed, "far exceeds the capacity and resources of any single agency. It calls for a comprehensive and concerted effort of the United Nations and other humanitarian organizations." 48/ Mobilizing and coordinating existing capacities to address situations in a timely and effective manner would contribute to meeting more adequately the needs of internally displaced populations. The absence of a coordinated system has had serious consequences for the internally displaced. In some cases, long periods of time have elapsed before internally displaced populations are assisted. In other cases, their needs have outstripped the capacity of relief agencies with operations in the affected area. In still other situations, their protection problems have largely gone unaddressed.

176. In an effort to develop a more effective response to the assistance and protection needs of the internally displaced, the Inter-Agency Standing Committee, chaired by the Emergency Relief Coordinator, created an Inter-Agency Task Force on Internally Displaced Persons in 1992 and has been holding discussions on the designation of responsibility for internally displaced persons as well as for more effective and comprehensive coordination among international agencies. At its July 1993 meeting, the IASC agreed that a mechanism to assign responsibility would be valuable when a situation of internal displacement arose. At its December 1994 meeting, the IASC strengthened this decision by approving the recommendation of its Task Force that the Emergency Relief Coordinator serve as the reference point in the United Nations system to receive requests for assistance and protection on actual or developing situations of internally displaced persons that require a coordinated international response.

177. The Representative participated in the work of the Task Force throughout 1994 and endorses the creation of a central reference point within the United Nations system to recommend the best division of labour among United Nations agencies for addressing the assistance and protection needs of the internally displaced. This was a major recommendation of the comprehensive study submitted to the Commission on Human Rights in 1993. While hardly a panacea, a reference point should be a first step towards the development of a more coherent system for dealing with internally displaced populations.

178. The 1993 comprehensive study also recommended that each of the major bodies of the United Nations system whose mandate is relevant to the internally displaced, in particular the Department of Humanitarian Affairs, consider establishing units to focus exclusively on the problems of internally

displaced persons. Focal points in the different agencies could bring information about internally displaced populations to the attention of the central reference point, and together, the Representative and the different agencies could seek to develop strategies to integrate assistance and protection activities on behalf of the internally displaced. At its meeting in December 1994, the Inter-Agency Standing Committee agreed that the Emergency Relief Coordinator should establish sufficient capacity within DHA to allow him effectively to serve as reference point, and also called upon all IASC member organizations to establish within their organizations sufficient capacity on matters relating to internally displaced persons.

179. Other relevant agreements of the IASC included the decision that the in-country coordination system to deal with internally displaced persons would be the Disaster Management Team or other mechanisms that are established in the field to deal with a specific humanitarian crisis, and that both the High Commissioner for Human Rights and the Representative of the Secretary-General would be invited to participate in the deliberations of the Inter-Agency Standing Committee and its derivatives whenever issues relating to their respective mandates are discussed. It noted in particular that both the assistance and human rights needs of internally displaced persons should be addressed.

C. Comprehensive approach to assistance and protection

180. While internally displaced persons generally have both assistance and protection needs, most international efforts on their behalf to date have focused on providing relief to the internally displaced with less attention paid to their protection needs.

181. In the most general terms, situations of internal displacement fall into two broad categories: relatively "simple" situations resulting from a single cause and not involving extensive protection issues, for example, displacement due to a natural disaster, and "complex" situations that have multiple causes and complications in the areas of both assistance and protection. In the first instance, the delivery of material aid to internally displaced persons and others affected is generally a logistical and technical challenge that existing agencies are for the most part able to meet. In complex situations, however, the international community often encounters difficulty in gaining access to the internally displaced because of civil conflict or non-cooperation on the part of Governments or non-State actors.

182. Most internally displaced persons are to be found in situations of a complex nature. While many issues related to sovereignty and access complicate the delivery of material assistance to them, providing protection to them presents even more challenges. The Inter-Agency Task Force on Internally Displaced Persons has drawn up a list of the critical tasks "which must be accomplished to permit and sustain effective humanitarian intervention". The list includes many difficult protection responsibilities, such as negotiating humanitarian access to the displaced, raising concerns with the authorities about displaced persons' safety and security, securing safe zones, and ensuring respect for human rights. 49/

183. At its July 1993 meeting, the Inter-Agency Standing Committee acknowledged that the provision of relief in complex emergency situations must be part of a larger and more integrated approach that includes attention to protection. In urgent situations of internal displacement, it said, both "protection and relief needs" would have to be addressed. 50/ Its Task Force on Internally Displaced Persons also affirmed that "there are indispensable protection prerequisites for any successful programme in favour of IDPs". 51/ Relief and development agencies have further endorsed an integrated approach designed to address both assistance and protection needs when dealing with internally displaced persons. 52/ In a statement before the UNHCR Sub-Committee of the Whole on International Protection, DHA, for example, declared: "While DHA is keeping its focus on the delivery of humanitarian, often survival, assistance to internally displaced persons, the human rights of internally displaced persons are of particular concern to us all and the balance between the provision of humanitarian assistance to them and the upholding of their human rights is crucial." 53/

184. Although some progress has been made in integrating protection and assistance concerns, because human rights protection is not a central concern or function for most relief and development agencies and human rights bodies are not yet fully operational and often not present, protection has not received the attention it deserves. No consensus exists, for example, on the role that human rights bodies should play in identifying, articulating, monitoring and addressing the protection problems of internally displaced persons. Where human rights mechanisms are activated, for example, through the appointment of a special rapporteur and the conduct of an investigative mission, these efforts are often isolated from efforts to address the humanitarian problems of populations affected by conflicts. Nor is there consensus about the role that relief and development agencies should play in the protection of internally displaced persons. In emergency situations, inter-agency needs assessments often do not address the physical safety of the affected population or the dangers confronting them. Those sent to assess emergency situations generally have expertise in food distribution, nutrition, health, and shelter, but not in how to deal with human rights and protection problems of the affected population. Many staff members in relief and development agencies in fact fear that if they become associated with protection concerns, they could compromise their neutrality and ability to provide humanitarian assistance. Human rights bodies, for their part, do not generally have offices or representatives in the field to assume protection functions in humanitarian emergencies.

185. There are exceptions, of course, to the principled separation between concerns for assistance and protection. As has already been noted, when UNHCR becomes involved in situations of internal displacement, their involvement is comprehensive, encompassing both protection and assistance. Other relief and development agencies also engage in protection activities in the course of their assistance work. If broadly defined, protection includes the coordination and delivery of food, medicine and shelter, and the negotiation of access to the internally displaced. As ICRC has pointed out, "the distinction between activities qualified as assistance and those considered as protection is often an artificial one. To deliver relief supplies and make certain that they reach the people they are intended for is also a form of protection". 54/ The mere presence of relief and development agencies

provides an additional form of protection. In many cases, it can deter abuse or at least act as a mitigating factor. The High Commissioner for Refugees emphasized before the Commission on Human Rights: "[W]e have found international presence and access to victims to be the most effective means of ensuring protection against abuse of human rights." 55/

186. Beyond presence and involvement in negotiating access, relief and development agencies are often in a position to raise concerns about displaced persons' physical security, particularly when the agencies have gained the confidence of Governments and non-governmental actors within the framework of providing assistance. But it is at this point that some relief and development agencies draw the line. Some point out that conflicts can arise between assistance and protection roles and that their priority in such cases should be given to assistance. WFP, for example, pointed out, in its submission to the Task Force on Internally Displaced Persons, that in certain situations it engaged in negotiating access and safe passage for its food and personnel both with rebel forces and Governments. But it noted:

> "Whilst WFP is fully supportive of the need to ensure protection services for internally displaced persons, it must be accepted that if, on occasions, negotiations are protracted, the provision of emergency food aid may precede the finalization of protection arrangements. Such action should not be seen as undermining negotiations on protection ... but merely WFP fulfilling its primary mandate, the alleviation of hunger among the poor and needy." 56/

Tensions have also arisen on occasion between UNHCR's assistance and protection roles. While in most instances, its dual functions of assistance and protection are mutually supportive, sometimes they are not, especially when UNHCR fears jeopardizing its assistance programmes or compromising its position of neutrality by vigorously raising protection cases.

187. Yet, protection problems often affect the delivery of assistance and the separation of the two functions can prove difficult to delineate. When displaced persons are under attack and distribution of food and supplies is obstructed, protection issues must be addressed. Moreover, the absence of attention to protection issues is likely to lead to continuing problems in the delivery of assistance. The need to develop integrated strategies on the part of human rights and humanitarian agencies in the delivery of assistance and protection has become increasingly evident. Monitoring conditions of internally displaced persons, moreover, can be difficult and even risky, making joint strategies all the more desirable.

188. ICRC staff members contend that protection should never be given a secondary position. "Humanitarian agencies cannot restrict their role to that of mere suppliers of medical and food aid. They must back up their emergency operations in the field with representations regarding the conduct and policies which lead to famine and violations of fundamental human rights." Although intercessions can be "diplomatically sensitive and politically risky or downright costly", they constitute "the indispensable protective aspect of any relief operation, without which no lasting improvement in the condition of conflict victims can be assured." 57/

189. Clearly, extensive discussions are needed by humanitarian agencies and human rights organizations to explore the best means of providing protection in emergency situations of which internally displaced persons are a part. Relief and development agencies have to explore the extent to which they can become involved in addressing the protection problems that affect the delivery of assistance. They also must consider developing collaborative relationships with other agencies that would be better equipped in different situations to deal with more far-reaching protection. In places like Rwanda and Bosnia and Herzegovina, the difficulty of protecting human rights has been made painfully apparent as humanitarian relief is accused of prolonging conflicts, serving as a substitute for political initiative, and being an unintended means of empowering militant, genocidal forces. In the former Yugoslavia, helping to evacuate people at risk has led to charges that humanitarian agencies are indirectly contributing to the practice of "ethnic cleansing". Without such assistance, however, there would be far greater loss of life in that country. 58/ Discussions must address these concerns and find ways of assuring that improved coordination of humanitarian assistance promotes protection of human rights. A comprehensive approach will require closer collaboration between humanitarian and human rights organizations and a more coordinated means of addressing protection concerns.

190. The Inter-Agency Standing Committee recognized the need for greater integration of human rights and humanitarian concerns when in December 1994 it decided to invite the Representative of the Secretary-General and the High Commissioner for Human Rights to participate in its meetings when issues relating to their respective mandates are discussed. Their participation in meetings of the IASC should prove an important step towards ensuring that an effort is made to address both protection and assistance concerns. The Representative of the Secretary-General car seek to ensure that protection and human rights criteria are sufficiently understood and taken into account in the planning and execution of activities in favour of displaced persons. He can act as a link and a catalyst among the various organs of the United Nations involved with policy formulation and operational programmes. He can bring to the attention of the IASC situations of internal displacement that need greater international attention and discussion. He can help determine whether additional United Nations entities should be enlisted to provide needed protection and whether in certain sensitive cases, parallel activities should be conducted to ensure that both assistance and protection are addressed.

191. To facilitate the Representative's ability to bring protection concerns relating to internally displaced persons to the IASC, stronger collaborative relationships need to be developed between the Representative and humanitarian organizations. Information exchanges should be developed so that protection problems can be brought to the attention of the Representative and through him to human rights bodies. The Task Force on Internally Displaced Persons could play an important role as catalyst for making information available to the Representative. By holding discussions on specific country situations it could inform him of serious situations and help promote coordinated strategies for addressing them.

D. Expanded role for human rights bodies

192. Human rights bodies should also be playing a more expansive role in developing an integrated approach to dealing with protection and assistance needs of the internally displaced. Recent debates around the establishment of war crimes tribunals, the need for human rights monitors in emergency situations, and the increasingly recognized priority given to justice and human rights concerns in promoting the resolution of conflicts and sustaining openings for peace and development, lend hope that more innovative approaches will be taken to incorporate human rights capacities and concerns into more comprehensive international strategies for addressing problems of internal displacement.

193. The 1993 World Conference on Human Rights emphasized the importance of United Nations human rights bodies giving special attention to the issue of internal displacement, and the Centre for Human Rights, subject to the availability of resources, has pledged to assume a more active role in addressing the root causes and effects of displacement and the provision of effective protection and assistance to displaced persons. 59/ In line with these objectives, the Commission on Human Rights could begin more fully to explore the human rights dimension of displacement, focus attention on specific situations warranting international attention, and develop preventive strategies that address root causes. When humanitarian agencies feel constrained from making their voices heard, Commission resolutions should support their efforts by focusing attention on the obstruction of humanitarian assistance and the ill-treatment of internally displaced persons.

194. Strengthening international presence in locations where there are protection problems is another crucial way in which human rights bodies could contribute to the better protection of the internally displaced. It should be recalled that the United Nations High Commissioner for Refugees has emphasized that new approaches are needed in humanitarian crises to increase protection and in particular has recommended "an effective international presence that brings together human rights observers, humanitarian organizations and peace-keeping forces". 60/ The deployment of human rights field officers in areas where there are substantial numbers of internally displaced persons could serve as an important step towards addressing the shortcomings in the current system in the area of on-the-ground protection. As experience in El Salvador, the former Yugoslavia and Rwanda has shown, monitors can play an important role in collecting information, ascertaining protection needs, contacting local authorities about protection problems, and alerting Governments and the international community to problems requiring attention. They also can play a significant role in trying to prevent possible human rights violations from occurring. Human rights field staff, for example in Rwanda, are engaged in such preventive activities. In addition, monitors can be valuable in advising on when conditions are sufficiently safe to warrant return home, overseeing and assisting in the actual returns and helping create the confidence needed to make returns possible. Working togetner with humanitarian organizations, they can help develop strategies to integrate protection and assistance concerns; too often humanitarian agencies have been unable to turn to human rights bodies because the latter have little or no operational field presence. In certain cases, human rights officers could

be seconded to relief agencies where they could serve as focal points on protection issues and seek support from relevant United Nations bodies for addressing protection concerns.

195. Through its advisory services programme, the Centre for Human Rights could help strengthen national institutions for human rights protection and support the creation of ombudsmen and other means to provide remedies for the internally displaced. Training could also be provided by the Centre in human rights law and practice to the staff of humanitarian organizations and to peace-keepers. Training could provide instruction on how to identify human rights abuses, how to report them, and whom to alert when internally displaced persons are endangered. It could encourage operational agencies to disseminate human rights and humanitarian standards and raise public consciousness about these questions through education and information programmes. ICRC has played an important role in publicizing humanitarian law. Similar efforts should be undertaken with regard to the human rights and humanitarian norms applicable to the internally displaced. Another related task would be the training of community leaders in matters relating to international protection and international human rights standards.

196. The World Conference on Human Rights in 1993 recommended the assignment of human rights officers to United Nations regional offices with a view to offering training and other technical assistance in the field of human rights. In such cases, officers dispatched to work with Governments on the elaboration of national plans of action in the human rights field should include the needs of the internally displaced in their programmes.

197. The United Nations often has relied on NGOs for undertaking protection strategies. In recent years, humanitarian and human rights NGOs have been taking a more proactive approach with regard to human rights protection. Increasingly, they are moving human rights initiatives from the international arena to the field, where they are attempting to implement human rights programmes. For example, they have been encouraging the provision of pro bono legal aid services for the displaced in their contacts with the judiciary and local administration. Legal aid programmes are important to internally displaced persons who lack personal identity documentation; threats of human rights violations are often exacerbated by lack of documentation. In Lebanon, Guatemala and other countries, UNHCR has sponsored community-based documentation programmes. NGOs have also become involved in helping to strengthen judicial systems and complaints procedures and encouraging community participation in these programmes.

E. Options for institutional reform

198. The growing willingness on the part of the international community to assume increased responsibility for the internally displaced should not obscure the fact that many situations of internal displacement go unaddressed or are insufficiently addressed by the United Nations system because there is still no one organization, or collection of organizations, mandated to take responsibility for the assistance and protection needs of the internally displaced. The creation of a new agency or mandating an existing one to assume responsibility must remain options worthy of consideration by the international community.

199. Some believe that the creation of a single agency responsible for the internally displaced presents the best option for approaching the challenge of internal displacement. They would essentially model a new agency on the UNHCR role in protecting and assisting refugees. Several arguments, however, have been raised against the creation of a new agency. Perhaps the most persuasive is that internally displaced persons have needs that span the entire range of United Nations agencies, from emergency assistance to protection to development aid. In some situations, for example, provision of food may be the predominant need, requiring the involvement of WFP. In other situations, it may be the services of UNICEF that are critical to addressing the needs of displaced women and children. Or there may be internally displaced persons and local populations under siege in refugee-like and potential refugee-generating situations, making UNHCR the most effective agency to engage. In terms of development programmes, UNDP would be the preferred choice. The creation of a single entity to meet the needs of the internally displaced would run the risk of duplicating existing resources and capacities. Further, there is at present no comprehensive legal instrument nor an internationally agreed upon definition of the internally displaced on which to base the mandate of a new organization. Moreover, the cost of such a new institution would be substantial, and neither the political will nor the resources apparently exist to support the creation of a new agency.

200. An alternative to the creation of a new entity would be to enlarge the mandate of an existing agency, in particular UNHCR, to include the protection and assistance needs of the internally displaced. Legally and operationally, UNHCR has generally been considered the best equipped institution to deal with this issue. However, when it was proposed in 1993 that the United Nations replace its present ad hoc arrangement with "the assignment of a general competence to UNHCR", neither UNHCR nor its Executive Committee endorsed the idea. 61/ UNHCR's position was that the magnitude of the problem of internal displacement exceeded its capacity and that a collaborative approach was required of the United Nations and other humanitarian organizations. When the matter was discussed again in 1994 at the Sub-Committee of the Whole on International Protection of the Executive Committee of the High Commissioner's Programme, the High Commissioner defined very clearly the extent and conditions under which UNHCR has a mandate to undertake activities on behalf of the internally displaced. The Executive Committee endorsed these guidelines as "an important contribution towards a more concerted response by the international community to the needs of the internally displaced". 62/

201. Another possibility is a "two-agency" approach. The institutional embodiment of such an approach would be the creation or use of two separate agencies, one to cover protection and the other assistance. Under such a formula, in a few years' time, the office of the High Commissioner for Human Rights might be adequately equipped for consideration as the entity to cover protection. The Department of Humanitarian Affairs, moreover, already has the mandate to coordinate assistance activities. While no option should be dismissed prematurely, this option would work at cross purposes with the growing consensus that what is needed is an integrated approach to assistance and protection. Moreover, neither body has the operational presence that would be required in the field. Another "two-agency" approach that has been suggested is to have UNHCR and ICRC, which deal with both assistance and

protection, to take on joint responsibility for the internally displaced. This idea also has serious weaknesses. First, as ICRC is not part of the United Nations system, such an arrangement could not be coordinated. Second, this idea does not take into account the growing roles that other agencies are assuming in meeting the needs of the internally displaced.

202. Although no single organization within the United Nations system has assumed responsibility for the protection and assistance of internally displaced persons, positive aspects have emerged in the current ad hoc system. There is a greater willingness on the part of the international community to involve itself in addressing the needs of the internally displaced. In addition, efforts are under way to develop a more coordinated and coherent approach. Strengthening and better coordinating these different efforts could offer a promising prospect for developing a more effective international system for meeting the needs of the internally displaced.

203. If the option of a system-wide approach is to be supported, however, a first and most important step must be the creation of an effective coordinating mechanism that would assign responsibility when a serious situation of internal displacement arose and ensure that both the protection and assistance needs of the internally displaced are adequately met. Within the existing institutional arrangements, the Inter-Agency Standing Committee appears to be the most appropriate body to review all serious situations of internal displacement, explore the extent to which assistance and protection needs are being met, and recommend the best division of labour between United Nations agencies to ensure that both assistance and protection are addressed. By broadening the terms of reference of the Inter-Agency Standing Committee, the Working Group and the Task Force on Internally Displaced Persons, and by enlarging the composition of these bodies, it would be possible to use this existing mechanism to coordinate responses to the needs of internally displaced persons.

204. To ensure that protection concerns are integrated, the Representative and the High Commissioner for Human Rights would have to participate in these bodies, a recommendation that the IASC has already endorsed. Because the mandate of the Representative, unlike any other United Nations mechanism, is exclusively focused on the internally displaced, his role would be to draw attention to the specific needs of this category of persons, especially in the area of protection. The Standing Committee, for its part, would need to place serious cases of internal displacement on its agenda so that they can be fully discussed and strategies developed to address assistance and protection concerns. At the same time, greater attention will need to be paid to strengthening collaboration and coordination in the field among humanitarian agencies directly involved and whose role is essential to addressing the problems of internally displaced persons.

205. It is to be hoped that with strengthened collaborative arrangements, it will be possible to address the vacuum of responsibility that often exists in cases of internal displacement and ensure that the serious gap in meeting protection and human rights concerns will be more adequately addressed. However, given the fact that the Inter-Agency Standing Committee has only just reached decisions on developing a more coherent approach, it is too early to conclude which of the above options would prove the most effective.

F. Enhancing the capacity of the mandate

206. To enhance his catalytic role in the collaborative framework, the capacity of the mandate of the Representative of the Secretary-General should be enhanced to enable him to undertake his responsibilities more effectively. As has already been noted, there is a considerable gap between the aspirations of the mandate of the Representative and his capacity to pursue them. As a result, the Representative has turned to persons and institutions outside the United Nations system to assist in discharging the responsibilities of the mandate. The fact that individuals and organizations are willing to make voluntary contributions to the work of the mandate signifies the compelling humanitarian dimension of the challenge of international protection and assistance for the internally displaced. Given the limitation of resources within the United Nations system, their cooperation needs to be supported and strengthened.

207. Notwithstanding the important assistance received from groups and individuals outside the United Nations system, there are nevertheless steps that could be taken within the United Nations system to enhance the capacity of the mandate.

208. Adequate staff and resources are needed to enable the Representative to bring together information pertinent to the internally displaced and develop an information centre tailored to the needs of the internally displaced (see section III above). Additional funds and staff are needed to increase the number of fact-finding missions and follow-up missions that can be undertaken by the Representative, his staff, or expert volunteers (see section II.E above). The deployment of field officers in areas where there are substantial numbers of internally displaced persons would also serve the mandate significantly (see section V.D above).

209. For the Representative to carry out his mandate effectively, his capacity needs to be supplemented with additional human and material resources. At present the Representative's support in the Centre for Human Rights comprises one junior staff member appointed on a short-term contract that requires renewal at short intervals, and one associate expert who has been provided by the Government of Norway for a period of a year, renewable to two years. The temporary nature of their contracts, combined with the other tasks given them by the Centre and the limitation of the support system and office facilities available to them, significantly constrain their work and the ability of the Representative to meet the challenge of the mandate.

210. It would be particularly useful to have a senior staff member to assist in managing the affairs of the mandate, play a role in inter-agency decision-making, and deputize for the Representative in meetings requiring an appropriate level of representation. It also would be valuable to have a coordinator who would seek to promote better collaboration with intergovernmental agencies and NGOs on issues of internal displacement, encourage their greater involvement in the field and also monitor and collect information about serious situations of internal displacement. In addition, the mandate would require the services of two regular human rights officers,

adequate administrative support, and a commensurate level of secretarial assistance. These are minimal but crucial services that could make a major difference in the effectiveness of the mandate.

211. The NRC in its survey found that NGOs supported the development within the institution of the Representative of a capacity to more effectively detect crisis situations and intercede with Governments. Several organizations also proposed the creation of a special unit within the United Nations Secretariat to service the Representative and be operationally and comprehensively responsible for the assistance and protection needs of the internally displaced. 63/

VI. STRENGTHENING CAPACITIES

212. The global nature of internal displacement makes it essential that the international community rely on initiatives not only within but also outside the United Nations system to ensure that the needs of the internally displaced are adequately met. In particular, greater collaboration is needed on the part of the United Nations system with regional institutions and with NGOs, both of whom are playing increasingly important roles in dealing with internal displacement.

A. Regional intergovernmental initiatives

213. At the regional level, closer ties and coordination need to be developed with the Organization of American States and the Inter-American Institute of Human Rights; the Organization of African Unity and its African Commission on Human and Peoples' Rights; and the Organization on Security and Cooperation in Europe. Regional initiatives could prove a powerful stimulus for addressing problems of internal displacement. They can be particularly beneficial in terms of information sharing and, more importantly, in enhancing assistance and protection measures for the internally displaced. Some noteworthy initiatives have begun to be undertaken at the regional level on behalf of the internally displaced. A description of some of these initiatives follows together with suggestions for further strengthening their capacities. Closer collaboration is needed between regional organizations and the United Nations in the development of strategies for increasing assistance and protection for the internally displaced.

214. In the Americas, awareness of the need to develop regional strategies for improved protection and assistance of the internally displaced was evident in the process generated by the International Conference on Refugees in Central America (CIREFCA). Convened in 1989, CIREFCA developed a comprehensive plan for assisting refugees, displaced persons and returnees and integrating them into the development plans of the countries concerned. This process, which brought together Governments, donors, intergovernmental agencies, NGOs and representatives of the displaced, could prove instructive in promoting regional cooperation for the displaced in other areas of the world.

215. Another promising initiative emanating from the Americas is the creation of the Permanent Consultation on Internal Displacement in the Americas (CPDIA), an independent body operating under the auspices of the

Inter-American Institute of Human Rights. Established in November 1992, CPDIA is composed of representatives of intergovernmental organizations, NGOs, and independent experts. Its members include UNHCR, UNDP, UNICEF, IOM, ICRC, WFP, the Inter-American Commission on Human Rights, the Inter-American Institute of Human Rights, the Refugee Policy Group and the World Council of Churches. CPDIA is developing networks of information on internally displaced populations throughout the Americas, establishing a legal framework for dealing with internal displacement, preparing reports on the protection and assistance needs of internally displaced persons, and providing advice and technical assistance to Governments for improving the conditions of displaced persons.

216. Governments in the Americas have begun to extend invitations to CPDIA to pay on-site visits, and in 1994 a mission was undertaken to Colombia. The Representative of the Secretary-General, following his own visit to Colombia, noted in his report "the significant advances on definitional, methodological and legal issues" made by the CPDIA and called upon the Government of Colombia to implement the recommendations made by it. In 1995, it plans to convene an International Conference on Internally Displaced Persons in the Andean Region. CPDIA's activities could prove a potential model for addressing situations of internal displacement in other regions.

217. The Inter-American Institute of Human Rights, in addition to initiating and housing the CPDIA, has undertaken special programmes for refugees, returnees and displaced persons in a variety of countries. In Colombia, it has been providing technical support for the first national research programme on the internally displaced carried out by the Catholic Church, and has developed training workshops, together with the church, for groups and individuals working with the displaced. It also has been working with internally displaced women in Guatemala in collaboration with local women's organizations. In the Dominican Republic, El Salvador, Paraguay and Colombia, it has organized, together with NGOs, training programmes for migrant women, including those who are internally displaced.

218. A colloquium, organized by the Inter-American Institute, UNHCR and the Government of Costa Rica in December 1994 brought together experts from all OAS member States to commemorate the tenth anniversary of the Cartagena Declaration. The San José Declaration on Refugees and Displaced Persons, adopted by the colloquium, affirms that internal displacement is a human rights problem of concern to the international community, expressed support for the work of the Representative, endorsed the preparation of an international declaration for the protection of internally displaced persons, and called for the extension of the mandate of the Representative.

219. It was recommended at the colloquium that the OAS place the question of internal displacement on its agenda for discussion by the Governments of the Americas. The Inter-American Commission on Human Rights of the OAS has begun to play a more active role in addressing the protection problems of the internally displaced. After its most recent visit to Haiti, the Commission drew attention to the problem of internal displacement in that country and the need for the international community to address the situation. It has been suggested that Commission reports regularly address problems of internal displacement. It also has been suggested that the Commission create emergency

procedures for the internally displaced similar to those that it created for disappearances and that it create an early warning mechanism to identify potential or emerging situations of displacement in the Americas.

220. In Africa, several regional conferences have been convened to draw attention to the problem of internal displacement. In February 1994, the African Commission on Human and Peoples' Rights of the OAU organized in Harare the Seminar on the Protection of African Refugees and Internally Displaced Persons. The seminar urged that close attention be paid to the issue of internally displaced persons since there was no agency with a special mandate for their protection. It also called for the provision of legal aid and assistance to internally displaced persons to enable them to have access to the African Commission for redress of violations of human rights. It recommended that the OAU's Commission of Twenty on Refugees deal specifically with the question of internally displaced persons and that the African Commission pay specific attention to this issue.

221. A second regional Symposium on Refugees and Forced Population Displacements in Africa, which the Representative addressed, was held in Addis Ababa in September 1994. Organized jointly by the OAU and UNHCR, it brought together representatives of almost all OAU member States. The OAU Secretary-General pointed out that Africa is the continent with the largest number of refugees and displaced persons and that the number of internally displaced persons now surpasses the total number of refugees. He called upon the OAU to spearhead the process of promoting protection and assistance for internally displaced persons in Africa, in cooperation with humanitarian and human rights organizations. The Addis Ababa Document on Refugees and Forced Population Displacements in Africa, adopted by the symposium, called upon Governments to carry out their responsibilities to the internally displaced and urged all parties to conflicts to allow humanitarian organizations access to the displaced. It expressed support for the work of the Representative of the Secretary-General to promote appropriate legal, institutional and operational mechanisms for the better protection and assistance of internally displaced persons.

222. As noted above, it has been suggested that the OAU's Commission of Twenty on Refugees enlarge its scope of activity to deal specifically with the protection dimension of internal displacement. It could also prove beneficial to displaced populations if the African Commission on Human and Peoples' Rights were to undertake on-site visits and publish reports on internal displacement. It has been suggested that the African Centre on Human Rights and Democracy, established in the Gambia to support the work of the Commission, could play an important role in drawing attention to this issue.

223. The Cairo Declaration on the Protection of Refugees and Displaced Persons in the Arab World is another example of regional approaches as a response to problems of displacement. Adopted by Arab experts at a seminar sponsored by the UNHCR in Cairo in November 1992, it called upon Arab States to provide the secretariat of the League of Arab States with information and statistical data on the condition of refugees and displaced persons in their territories and on the national laws, regulations and decrees in force relating to refugees and displaced persons and emphasized the need to provide special protection to women and children as the largest category of refugees and displaced persons.

224. In Europe, for the first time in 1993, a Human Dimension Seminar of the Conference on Security and Cooperation in Europe (CSCE) 64/ was held on Migration, including Refugees and Displaced Persons. It discussed preventive steps as well as how better to protect refugees and displaced persons. In July 1994, CSCE's Parliamentary Assembly adopted a declaration in Vienna which recommended that when preventive efforts fail and mass movements of people occur, CSCE should develop an approach to "ensure protection of the forcibly displaced" and "seek durable long-term solutions for their well-being".

225. In December 1993, CSCE's Council of Ministers decided to place the issue of mass migration on its agenda, which could lead to the development of strategies and mechanisms for dealing with internal displacement. It requested CSCE's main decision-making bodies to address the issue of mass migration, including displaced persons and refugees. Several ways have been suggested for CSCE to become more involved with the issue of internal displacement. CSCE missions dispatched to troubled areas and deployed on a long-term basis could, for example, collect information on the situation of internally displaced persons and seek humanitarian support for better addressing their problems. Seminars specifically on internal displacement could be held with a view to developing regional approaches to the problem. CSCE's Permanent Committee and other senior bodies could explore regional solutions to the problem.

226. CSCE's focus on preventive diplomacy is a valuable means of seeking to avert mass exoduses and internal displacement. The appointment of a High Commissioner on National Minorities in December 1992 to engage in early warning and preventive diplomacy is an important step towards trying to avoid the conflicts in which minority group members so often become victimized, resulting in their displacement.

227. In Asia, it has been suggested that efforts be made to explore the extent to which organizations like the Association of South-East Asian Nations (ASEAN) would be willing to include the issue of internal displacement on their agenda. It also has been suggested that the Centre for Human Rights, in the meetings it organizes in the region, should seek to include the subject of internal displacement on their agendas. The Representative has initiated consultations aimed at organizing a seminar and stimulating activities on internal displacement in south-east Asia.

B. Non-governmental organizations

228. In the reports to the Commission and the General Assembly on internal displacement, particular attention has been paid to the important role of non-governmental organizations in the field. The Representative has regularly met with NGO representatives during his missions and also during his consultations in Geneva and elsewhere and has noted the significance of their role, particularly in countries with limited or no international presence, and has encouraged Governments to strengthen their cooperation with NGOs. He has also emphasized the need for closer cooperation between the NGOs which are on the ground and international NGOs, as well as between the NGO community and intergovernmental agencies.

229. Frequently, NGOs have more people on the ground, are in more direct contact with displaced populations and have closer relationships with the local authorities than do international agencies which tend to work with the central Government. NGOs often maintain a presence even when United Nations agencies are not yet present or have withdrawn for security reasons, and for this reason are especially important to displaced populations. Further, they are often responsible for opening up "humanitarian spaces" which later allow United Nations agencies to establish a presence. Most are imaginative in making the best use of their presence, which is sometimes the only avenue for the provision of protection and assistance to the internally displaced.

230. NGO activities normally focus on: building national and regional networks; promoting increased international awareness and action in support of the displaced, often using powerful means of advocacy; reporting on the human rights and security situation of the displaced; coordinating operations in order to increase the impact of international presence, particularly in areas where international agencies have limited presence; insisting on working in areas under the control of insurgent parties, often at a great risk to their own security; and dispatching fact-finding missions to areas where permanent presence is not feasible.

231. One noteworthy element in the work of local organizations, as noted above, has been the opening up of "spaces" for humanitarian operations. "Humanitarian space" is a concept developed by national NGOs in Latin America who have used their presence to create and gradually expand "space" in areas previously closed off to agencies, through confidence-building measures which have involved local authorities, local military commanders and the local population. External NGOs have often reinforced this "space" by supporting local NGOs, church or peasant organizations, or by helping displaced persons to organize themselves. "Humanitarian space" in many places has paved the way for United Nations operations.

232. The strength of local NGOs lies in their knowledge and their roots in the local culture. They are often viewed with less suspicion by local communities than external NGOs, are more cost effective than international NGOs and may be able to act more speedily in emergencies than any other actor. They also interact closely with local authorities which is often the key to improving the situation of internally displaced populations. 65/ Their weaknesses, on the other hand, frequently lie in their limited institutional capacity and impact, their lack of resources, and their susceptibility to involvement in local rivalries. In some settings, Governments have been mistrustful of NGOs and have avoided working with them. At the same time, channelling assistance through NGOs can be an especially effective means of reaching internally displaced persons in situations where trust between local populations and the authorities has broken down.

233. With regard to international NGOs, it should be noted that the presence of international staff in the field raises the credibility of humanitarian programmes. Most international NGOs build on the presence of local and national NGOs and often extend financial and technical support to them. Other international NGOs engage in advocacy work with Governments, United Nations organizations, regional organizations and the public at large with regard to problems of internal displacement. Importantly, in recent years, activities

have increased in relation to protection, not only of human rights organizations but also of relief NGOs. Relief organizations have, for instance, supported programmes of legal counselling and representation, women's projects against physical or sexual violence, educational projects to promote protection, projects for the protection of children's rights, and projects to fight against impunity. Coordination and networking, including for purposes of early warning, is another activity of international NGOs.

234. NGOs, by means of mine-awareness campaigns, have been supportive of United Nations efforts to prevent the returning displaced from becoming victims of land-mines. UNHCR and NGOs have cooperated in mass information campaigns, the training of local mine-awareness instructors, and education of adults and children, for instance in Cambodia, Abkhazia/Georgia, Guatemala, and Mozambique.

235. In contrast to international NGOs, many local NGOs may lack the skills and resources needed to coordinate effectively, or the authority to set up a network. Some may be reluctant to take part in networks because they are vulnerable and more at risk within their country. They may also be too small to cope with large emergencies, a capacity which is often a precondition for being part of a network. At the same time, international NGOs may resist coordination for fear of having to concede to decisions taken by others, and they may also prefer to be free of bureaucratic arrangements. According to the NRC survey, NGOs are quite selective about whom they decide to cooperate with and sometimes do not find the cooperation as efficient as they would like. 66/ At the same time, NGOs recognize the value of closer collaboration and have developed many such linkages.

236. NGOs in Latin America have a long tradition of networking. The level of organization and coordination is high and the management skills well developed. It is a common feature that national NGOs in one country have close contacts with national NGOs in another, and even link up with each other in regional networks. National NGOs and networks serve as the intermediary between vulnerable groups and the international community. They request action by the United Nations and OAS, design programmes for protection and assistance, and act to raise the necessary resources. A great number of the networks in the region receive funding from donor countries, the European Union, and United Nations agencies. With the support of these networks, many groups of displaced persons have been able to organize themselves.

237. By and large, closer cooperation among local NGOs could help with the clarification of goals, the avoidance of duplication of work, and build up their capacity to share information and react to emergencies. Also, closer ties between local and international NGOs, and between NGOs, the Representative and the international community, would inform both local and regional bodies and the United Nations system of the various initiatives being undertaken in different parts of the world in support of the internally displaced and enable them to build on these initiatives.

238. The NRC survey found NGOs strongly supportive of a United Nations presence in situations of internal displacement because they see this as the key to drawing more effective attention to displaced populations. Many NGOs also advocate better coordination with United Nations bodies in the planning

and development of programmes and express an interest in serving as implementing partners in United Nations projects relating to the internally displaced.

239. The Oslo Declaration adopted at the PARINAC Conference in Oslo, June 1994, in which the Representative participated, declares that NGOs, as well as UNHCR, are committed "to develop, in cooperation with the United Nations, other agencies and institutions and with Governments, a comprehensive approach to the protection and assistance needs of internally displaced persons, based on clearly defined legal and operational criteria". The Plan of Action, also adopted at the Conference, underscored "the capacity of local NGOs, through their constant presence, to alert concerned agencies to the need to respond to the protection and assistance needs of internally displaced persons". It further called for greater cooperation with the Representative of the Secretary-General in "country-specific information gathering and assisting with country visits by the Representative". The Plan of Action has been endorsed by NGOs all over the world and should serve as an operational framework for NGO activity benefiting the internally displaced.

240. With regard to protection, the Oslo Declaration in its recommendations on internally displaced persons called upon the UNHCR and NGOs to promote the accession by States to international human rights instruments, promote wider support and awareness of the basic human rights of refugees and internally displaced persons, and encourage States and de facto authorities to comply with human rights and humanitarian law applicable to refugees, asylum-seekers and displaced persons. It further called upon UNHCR and NGOs to disseminate information on specific situations where the human rights of refugees and internally displaced persons have been violated and to report such instances to appropriate United Nations bodies such as the High Commissioner for Human Rights and the Commission on Human Rights, as well as to local and regional human rights organizations.

241. At present, United Nations agencies often have little awareness of the local, national and regional capacities which could be developed and with which they could coordinate. Many local non-governmental groups for their part have little or no knowledge of or connection to efforts being undertaken in other countries or regions. Regional bodies have limited contact with their counterparts in other geographic areas on issues of internal displacement. Networking can be a practical way of addressing these gaps and of building stronger presence in different countries or regions. Networks as a whole tend to have a higher profile than their individual members and can become platforms for advocacy, stimulating national policies and promoting cross-mandate, cross-sectoral activities. The PARINAC Plan of Action has already inspired cross-mandate programmes affecting the internally displaced, such as in Lebanon and Colombia.

242. The development of closer partnerships among United Nations agencies, regional organizations and NGOs could stimulate more integrated activities on behalf of the internally displaced. The establishment of an international network for internally displaced persons and the development of an international constituency would be an important means of mobilizing international opinion in support of strategies for better addressing the assistance and protection needs of the internally displaced.

VII. DEVELOPING STRATEGIES

243. Clearly, the scope and intensity of internal displacement warrants the development of a global strategy for the more effective protection, assistance and development of the internally displaced. During the country missions and the numerous consultations with agencies and experts, a number of elements of this strategy have become evident. These need to be further clarified and enhanced in a coherent framework, taking into account the legal and institutional parameters described in earlier sections of this report.

A. Information strategies

244. Knowing exactly the number of internally displaced persons, country by country, is a strategically important but very difficult question (see section III above). The lack of presence in areas where there are internally displaced populations, combined with insufficient understanding of what internal displacement means, has often made it difficult to know the numbers of internally displaced populations and their specific assistance and protection needs. Conceptual and technical issues also need to be resolved: for example, how long should displacement be considered to last? Should people still be included among the displaced when they have found alternative settlements? How does one classify people who live anonymously and who are dispersed in different parts of the country? Since there is no one institution charged with collecting information about internally displaced persons, there is no consistent methodology applied by the various groups collecting the data.

245. The NRC survey has found that most agencies do not establish independently the number of internally displaced persons in a given country. Often they draw upon UNHCR statistics, which rely heavily on government figures, which in turn are contested on the ground that they may be manipulated for political or economic reasons. Governments, for example, may minimalize the numbers for political reasons or increase them to attract international assistance. In some countries, United Nations agencies and NGOs acknowledge that no estimates are available.

246. The adequate assessment of the needs of the internally displaced in a particular situation is of course a prerequisite for any effective attempt to address them. Without assessments, it is difficult to know which options for response are available or which types of assistance and protection programmes should best be applied. No "standard" assistance or protection approach or package for the internally displaced currently exists. The assessment of needs requires a ground-level capacity and the pooling of information provided by governmental and non-governmental sources. In some regions, NGOs have been called upon by intergovernmental agencies to carry out needs assessments. 67/ In other areas, however, only a fraction of the local NGOs have sufficient operational capacity and expertise required by United Nations agencies for assessment operations. In still other locations, there is such limited presence that assessments are not made. The trend, all the same, is to establish more and more institutional linkages between the international and the local levels for assessment purposes, with national, regional, and international NGOs as important components.

247. The development of methodologies for collecting information and making needs assessments should be an important part of the global strategy for dealing with the internally displaced.

B. Preventive strategies

248. A crucial element of the mandate of the Representative of the Secretary-General is prevention. To the extent that human rights violations are a major cause and consequence of internal displacement, preventive strategies are essential and need to be further explored.

249. United Nations human rights bodies have an important role to play in developing strategies for addressing the root causes of massive displacements and making recommendations for their prevention. Preventive measures generally include an early warning system, dialogue with Governments, machinery for the protection of minorities, and the deployment of human rights field officers. Such measures, however, are at an early stage of development.

250. Human rights implementation mechanisms of the Commission on Human Rights have repeatedly reported on measures of prevention undertaken in the context of their respective mandates. Instructive examples of such activities are the urgent appeals procedures employed routinely by the Special Rapporteurs on torture and on extrajudicial, summary or arbitrary executions and by the Working Groups on Enforced or Involuntary Disappearances and on Arbitrary Detention. Other thematic and country rapporteurs have also addressed urgent appeals to Governments, acting on information from a variety of intergovernmental and non-governmental sources. These procedures have as their main objective the prevention of human rights violations. The Representative has also begun to issue urgent appeals in cases of impending internal displacement.

251. Human rights treaty bodies have also considered and employed preventive measures. The chairpersons of the human rights treaty bodies, at their 4th meeting, recommended that "ways to empower the Secretary-General and the expert human rights bodies to bring massive violations of human rights to the attention of the Security Council" should be considered. The same meeting concluded that:

> "... the treaty bodies have an important role in seeking to prevent as well as to respond to human rights violations. It is thus appropriate for each treaty body to undertake an urgent examination of all possible measures that it might take, within its competence, both to prevent human rights violations from occurring and to monitor more closely emergency situations of all kinds arising within the jurisdiction of States parties. Where procedural innovations are required for this purpose, they should be considered as soon as possible." 68/

252. Such procedures have been adopted by the Committee on the Elimination of Racial Discrimination, the Human Rights Committee, the Committee on Economic, Social and Cultural Rights and the Committee on the Rights of the Child. 69/ Some of these bodies have also considered working papers on preventive action, including early warning and urgent procedures. 70/

Human rights treaty bodies have also undertaken missions to countries for preventive and other purposes. Such measures could have an important preventive impact if further enhanced.

253. Mechanisms for minority protection are also needed. Many displaced persons are members of minority groups who have been subjected to forcible expulsion, resettlement and other persecution because of their ethnic or other origin. The adoption by the United Nations of standards on minority rights is a welcome development as is the Sub-Commission's work in developing strategies for minority protection. However, it is essential that machinery be created for mediation and reconciliation as a means of redressing emerging minority problems and thereby helping to curb the massive displacements that often result. The appointment within the OSCE of a High Commissioner for National Minorities to engage in preventive diplomacy could be an important model to examine and replicate in other regions.

254. The establishment of the office of the High Commissioner for Human Rights should add momentum to the development of preventive strategies. The deployment of human rights field officers under the auspices of the High Commissioner is a promising preventive strategy. A striking example of this is in Burundi and Rwanda where human rights field staff are playing a preventive role with the cooperation of the respective Governments. This has a direct bearing on preventing the causes that could lead to internal displacement and on creating the confidence to enable internally displaced persons to return to their homes. Observers or monitors of OSCE field operations have also played a valuable preventive function. The importance of establishing and financing small field missions for preventive diplomacy was highlighted by the Secretary-General in his recent report on the work of the organization: "Although special envoys can achieve much on a visiting basis, their capacity is greatly enhanced if continuity can be assured by the presence on the ground of a small support mission on a full-time basis". 71/

255. Most protection activities of humanitarian and human rights agencies in the field are "preventive" in one way or the other, directly or indirectly. Serious dilemmas, however, have arisen in cases where efforts at protecting persons have been directed towards forestalling or preventing their movement. In such cases, there is need to reconcile a strategy that encourages people to remain within their own countries with a strategy that safeguards the cardinal principles of refugee protection - the right to leave and seek asylum from persecution. Providing protection and assistance to the internally displaced in an effort to forestall large-scale population displacements could risk taking precedence over assuring their long-term security, especially when protection remains far from guaranteed. Preventive protection - in the form of humanitarian assistance and international presence - cannot always provide effective protection to victims nor prevent further displacement, unless it is pursued along with measures aimed at conflict resolution and political solutions.

256. The dilemma of preventive strategies can be even more acute in countries where the governmental structure has fallen apart, and United Nations agencies and NGOs have to deal with local military commanders, clan leaders and other non-State actors. In less extreme situations, where organized authorities

exercise territorial control, military forces are under responsible command, and there are pockets of tranquillity and "humanitarian space", there may be a greater chance for the international community to mobilize realistic responses to prevent the situation from deteriorating further and mitigate the causes of displacement. The Open Relief Centres (ORCs), established by UNHCR in Sri Lanka, provide a possible model for the kind of safe havens that could be introduced. 72/

257. The reports of the Representative on his country missions have emphasized the importance of supporting preventive techniques that aim at empowering the population at the grass-roots level. Much can be learned from these communities, which very often have built up effective strategies for mitigating the impact of displacement. NGOs and intergovernmental agencies that become involved with the displaced should carefully examine the coping strategies that displaced populations have developed. The strength and immediacy of mutual support and "community coping mechanisms" are essential elements of prevention and protection.

C. Addressing root causes

258. Linking both humanitarian and human rights issues and their relation to conflict resolution is the most effective means of removing the underlying causes of displacement. Without the peaceful resolution of internal conflicts, there can be no effective and durable answers to most problems of internal displacement.

259. When the humanitarian, human rights, political and security dimensions of emergency situations are dealt with simultaneously, a climate of confidence is created which in turn positively affects the situation for the internally displaced. In El Salvador, for example, the Peace Agreements which ended more than a decade of civil war and which were negotiated under the auspices of the United Nations resulted in major reforms within the political and human rights life of the country and in its ability to deal with the crisis of internal displacement. In Burundi, the recently concluded agreement between the Government and the opposition in which the Special Representative of the Secretary-General on Burundi played a leading role, is another promising, though precarious, example. In Rwanda, it is essential that the root causes of the genocidal conflict be addressed and steps be taken towards national reconciliation and development. The mission reports on Colombia, Sri Lanka and the Sudan have all underscored the importance of negotiated settlements of the conflicts. Indeed, humanitarian actions taken by the international community on behalf of the affected populations could have confidence-building implications that might facilitate the peace process.

260. Strategies for protecting the internally displaced should seek to promote greater coordination among the political, humanitarian and human rights bodies of the United Nations in order to promote mutually reinforcing solutions to crises of internal displacement and thereby contribute to the cause of peace and security. Unless the root causes can be addressed and political solutions to conflicts found, there can be little hope of either ending the conflict or solving the problem of internal displacement. Humanitarian assistance and the promotion of human rights cannot substitute for broader efforts to advance the

cause of peace, security and stability in a country. A coordinated effort is the most effective means of addressing the complex and multifaceted challenge of internal displacement.

D. Development strategies

261. Within the refugee field, there has developed a substantial interest in moving assistance efforts from a relief orientation towards an emphasis on social and economic development to ease the burden on host countries and to make refugees more economically independent. Within the development community, there is also growing support for the view that relief assistance should be delivered in such a way as to lay the foundation for development. The "relief-rehabilitation-development continuum" aims at building on the strengths and capacities of refugees, returnees and internally displaced persons, integrating them into development plans and establishing a basis of self-reliance upon which development planners can build.

262. It has proved difficult, however, to translate the new approach into concrete operational terms. 73/ In emergency situations, the focus of relief agencies largely has remained on meeting short-term needs rather than on developing skills that can contribute to long-term solutions. Even after the emergency phase is over, attention often focuses on providing relief assistance rather than on moving to development-oriented approaches. Funding is a part of the problem. After emergency needs are met, few resources are generally made available for development which, in comparison with humanitarian relief, is often seen as a less compelling concern.

263. Development agencies, for their part, have not always been willing or able to provide assistance for uprooted persons, especially when recipient Governments refuse to include refugees or displaced persons in the regular development aid provided them. However, when programmes benefit local communities as well as refugees and the displaced, they have found greater response from local and national authorities. It is important that community-based programmes be introduced as an effective way of providing assistance in situations where the local community is equally in need.

264. Providing development assistance to internally displaced persons caught up in conflict situations is a special challenge. Nevertheless, much more could be done to assist the internally displaced to develop opportunities for self-reliance. UNIFEM has developed several low-budget projects for war-torn countries that include the provision of seeds and tools and income-earning activities for internally displaced women. It has found that training and small-scale programmes can be introduced even though traditional development requirements have not been met. It is seeking to develop new strategies to translate the link between relief and development assistance into concrete operational terms. 74/

265. It is essential that relief and development agencies, together with international financial institutions, develop strategies and programmes for the internally displaced, many of whom possess skills and work experience and whose survival would be better assured through income-generating and development projects than through relief assistance. The Declaration of the International Conference on Population and Development (Cairo, 1994)

recommended that measures should be taken to ensure that internally displaced persons receive basic education, employment opportunities, vocational training as well as other basic services, and that Governments, international organizations and NGOs strengthen development assistance for internally displaced persons so that they can return to their places of origin.

266. Consideration should further be given to introducing regional processes, such as CIREFCA, into appropriate areas so as to involve Governments, NGOs and development agencies in integrating uprooted persons into national development plans.

E. Strategies for women and children

267. Strategies are needed to address the special assistance and protection concerns of internally displaced women and children. In this report some of the serious assistance and protection problems of internally displaced women and children have been described and several recommendations have been made for ameliorating their plight (see section II.A above). Although most of the internally displaced are women and children, little attention has been paid to documenting the particular abuses to which they have been subjected or developing strategies for remedying their situation. Nor has sufficient attention been paid to the difficulties faced by women heads-of-household. Their need to become economically self-supporting in order to provide for their families should be the object of special training and income-generating programmes and strategies. Moreover, by becoming more self-reliant, they will be in a better position to mitigate the effects of displacement on their families and communities. While it is important that programmes of UNICEF, UNIFEM and NGOs seek to reduce the special vulnerabilities of women and children, a great deal more attention should be paid to developing strategies for addressing their assistance, protection and development needs in situations of internal displacement.

F. Quest for a global strategy

268. Because of the magnitude of the crisis of internal displacement worldwide, the inadequacy of the present response system, and the urgent need for international remedies, the Secretary-General has requested the Representative, apart from the normal requirements of the mandate, to conduct an in-depth study of the problem and make recommendations for an appropriate legal and institutional response. The major study requested by the Secretary-General and endorsed by heads of the leading agencies whose mandates relate to the internally displaced aims at the development of a comprehensive strategy to meet the protection, assistance and development needs of the internally displaced. In more precise terms the objectives of the study are:

(a) To study and publish findings on the crisis of internal displacement by both monitoring conditions worldwide and focusing on several regionally representative countries where the problem is particularly pronounced;

(b) To develop principles of legal protection specifically tailored to the needs of the internally displaced that are based on existing international law but that also seek to address gaps that may exist in law;

(c) To make recommendations on how existing international and regional institutions can more effectively meet the assistance, protection and development needs of the internally displaced, with particular reference to women and children, and identify new approaches and capacities that may be necessary;

(d) To formulate policy recommendations on how local, national and regional capacities can be developed and better coordinated to address the problems of internal displacement.

269. These objectives correlate to those of the mandate and can be expected to complement and reinforce them. Indeed, the findings of the study are likely to provide the mandate with a deeper understanding of the problem and thereby strengthen and facilitate its capacity to provide leadership for a more concerted international response to this global crisis. Ultimately, the problem of internal displacement is manifested on the ground, where people are in need of the most elementary assistance and protection. It is at the field level that activities to prevent and protect, and to raise levels of awareness, empowerment and organization, are most needed. The proposed study should help increase the ability to formulate more definitive recommendations for effectively addressing the challenge of internal displacement.

VIII. CONCLUSIONS AND RECOMMENDATIONS

270. As a general observation, it should be noted at the outset that both within and outside the United Nations system, intergovernmental, regional, and non-governmental bodies are actively exploring and developing new approaches to increasing assistance and protection for the internally displaced. UNHCR in particular and other humanitarian agencies in general have enlarged the scope of their activities to include many internally displaced populations. Efforts also have been made in the legal domain to see the extent to which the needs of internally displaced persons are being met by existing legal standards. The challenge, however, far exceeds the international community's response, which still remains largely ad hoc and grossly inadequate. The crises of internal displacement, the pressing needs they create for affected populations, and the lack of normative principles and institutional mechanisms for providing protection and assistance for this population warrant special and urgent attention from the international community and a more coherent organizational and legal response.

271. Serious consideration should be given to the development of a legal framework for the internally displaced. Although existing international law provides extensive coverage to those internally displaced, there is no one instrument that details those provisions and there are gaps in the law that need to be addressed. It is therefore essential to restate and clarify existing law in one document, address omissions in the law, and develop a body of principles specifically tailored to the needs of the internally displaced. This would assist all those involved in this field, including intergovernmental and non-governmental organizations, in their dialogue with the relevant authorities and also raise the level of international awareness of the problem and the need for solutions.

272. In principle, the creation of a new agency for the internally displaced or mandating an existing one, or a collection of organizations, to cater for their protection and assistance needs remain options worthy of consideration, but for which the political will appears to be lacking at present. Even if it were decided to designate an existing agency, the question as to which one would be appropriate for the task may still raise controversial questions. Expanding the mandate of the Office of the United Nations High Commissioner for Refugees may seem to be the most obvious direction to follow, given its operational experience with both protection and assistance, but even this raises questions. In any case, since it is unlikely in the near future that a new organization will be established or that responsibility will be assigned to an existing one for the protection and assistance of the internally displaced, the development of collaborative arrangements among agencies whose mandates and activities relate to the internally displaced appears to be the most practical alternative.

273. Despite greater willingness on the part of the United Nations agencies to develop more coherent collaborative arrangements, a vacuum of responsibility often exists in cases of internal displacement. Too many situations persist where there are substantial numbers of internally displaced persons without protection or assistance. This necessitates the establishment of a central point or mechanism to review serious situations of internal displacement and assign rapid institutional responsibility in complex emergency situations. The Inter-Agency Standing Committee has approved a recommendation of its Task Force on Internally Displaced Persons that the Emergency Relief Coordinator serve as the reference point in the United Nations system to receive requests for assistance and protection on actual or developing situations of internal displacement that require a coordinated international response. The effective implementation of this recommendation would be a first step towards the development of a more coherent system for dealing with internally displaced persons. At the same time, greater attention must be paid to strengthening collaboration and coordination in the field among humanitarian agencies directly involved and whose role is essential to addressing the problems of internally displaced persons.

274. Greater inter-agency collaboration also requires that in agencies whose mandates and activities relate to the internally displaced, staff should be designated as the focal point for the work relating to the internally displaced. There is in particular a need to strengthen capacity within the Department of Humanitarian Affairs to deal with the internally displaced. Working closely with the Inter-Agency Standing Committee, the Representative of the Secretary-General and the resident coordinators in the field, the office of the Emergency Relief Coordinator could play an effective role as a reference point within the United Nations system for the internally displaced. It should seek to integrate assistance and protection concerns by coordinating the different parts of the United Nations system that are capable of addressing these dual functions in a more practical operational manner.

275. Within the stipulated collaborative framework, the role of the Representative is and should be an essentially catalytic one. Even with the establishment of a reference point within the United Nations system to coordinate a response to situations of internal displacement, a mechanism is still needed to focus attention on the area of protection, which does not come

within the mandate of the Emergency Relief Coordinator as now defined. One option of course would be to redefine the mandate of the Emergency Relief Coordinator to include protection. The argument currently voiced against that idea is that it might undermine the humanitarian basis of his present mandate. Therefore, the mandate of the Representative can be viewed as complementary to that of the Emergency Relief Coordinator with respect to the internally displaced. Indeed, even if the mandate of DHA were broadened to include protection there is much to recommend the existence of a separate mechanism within the system that is exclusively focused on the protection needs of the large populations of internally displaced persons worldwide, with the authority of the Secretary-General behind it. The mandate of the Representative of the Secretary-General meets that need.

276. For the Representative to play this catalytic role effectively, his capacity should be considerably enhanced. Subject to further study of the matter, the possibility of a full-time Representative instead of the present part-time voluntary position should be considered. In either case, the means to implement the mandate must be strengthened with adequate human and financial resources, at present severely limited, for carrying out the multiple tasks stipulated in his mandate: monitor serious situations of internal displacement on a worldwide basis, undertake fact-finding missions, enter into dialogues with Governments, coordinate activities with humanitarian agencies, mobilize international opinion and action, prepare general and specific reports on countries, develop preventive strategies, prepare a critical compilation of legal norms, review institutional arrangements, encourage the development of national and regional capacities, participate in the early warning system, promote better treatment for women and children, bring specific cases to the attention of the Secretary-General, the General Assembly and the Commission on Human Rights, and develop strategies on a longer-term basis for addressing the needs of the internally displaced more effectively.

277. Additional field visits to countries stricken by the problem of internal displacement are essential to gain a better understanding of the assistance and protection needs of the internally displaced. Only first-hand information, based on direct contacts with the Governments concerned, de facto authorities, United Nations and NGO field workers and, above all, the displaced populations themselves, can enable the Representative to achieve the objective of bringing back to United Nations Headquarters suggestions regarding United Nations actions in the political, human rights and humanitarian fields as they pertain to the internally displaced.

278. The establishment of an information centre on internal displacement along the lines of the documentation centre of UNHCR is needed to collect data on internally displaced populations on a worldwide basis. The absence of a central point within the United Nations system to bring together information on internally displaced persons is a serious gap. Adequate staff and resources are needed to enable the Representative to create an information centre on internal displacement. This would be an important step towards ensuring that situations of internal displacement are not overlooked or forgotten and that all serious situations are detected and well documented.

Non-governmental groups and research institutes could assist in the establishment of the information centre and in particular help develop methodologies for the collection of accurate statistics.

279. A more comprehensive working relationship will need to be developed with NGOs which often play an effective role on the ground in working with the internally displaced and have the knowledge of local conditions critical to mobilizing an early response. NGOs in particular can assist the Representative and United Nations agencies with early warning and information collection and the Representative and these agencies in turn can lend support to these groups in the field. NGOs can also be called upon to create local mechanisms to carry out the ideas and recommendations that emerge from country missions to improve the conditions of the internally displaced. Moreover, through a collaborative approach, the mandate could benefit from field missions undertaken by NGOs and other expert bodies. NGOs can also be encouraged to play a role in conflict resolution and in easing tensions between communities which in turn can help create safer conditions for the return of the displaced to their homes. The development of a partnership with NGOs is crucial to the development of a worldwide strategy for improved protection and assistance for the internally displaced.

280. Consideration should also be given to the placement of United Nations human rights field officers in areas with serious problems of internal displacement to help meet the protection needs of those displaced and thereby lend operational support to the work of the mandate and organizations active in the field. Field officers can prove useful in creating the confidence needed to make return possible and in assisting internally displaced persons to return home. Field officers deployed by the Centre for Human Rights in the former Yugoslavia and Rwanda are already actively involved in monitoring conditions of the internally displaced. This also should be part of the mandate of other human rights monitors who are, or will be, stationed in locations where there are large numbers of internally displaced persons. Monitors deployed in consequence of United Nations peace-keeping operations should also be tasked with providing information on internally displaced populations. The presence of monitors, in addition to serving protection needs, can also help in the prevention of violations and draw the attention of the international community to any assistance needs that may be unmet in the specific areas they monitor. In short, the mandate must be given more operational capacity if it is to be a meaningful protection and prevention mechanism.

281. Coordination between the mandate and humanitarian organizations should be strengthened. The General Assembly has asked the Representative to coordinate with United Nations agencies, and these agencies have been requested to provide him with all possible assistance. The concrete nature of the cooperation should be more fully defined. The Inter-Agency Standing Committee recently approved a proposal that the Representative be invited to participate in its meetings when issues relating to internal displacement are discussed. In particular, he could bring to the attention of the IASC situations of internal displacement that need greater international involvement, especially in the area of protection, and report on the problems in the countries he has visited. It is important that serious cases of internal displacement be included in the agenda of the IASC so that these situations can be fully

discussed and strategies developed to address assistance and protection concerns. The participation of the High Commissioner for Human Rights in the Standing Committee should also prove valuable in ensuring that the human rights dimension of emergency situations is adequately addressed.

282. It would significantly facilitate the work of the Representative if all humanitarian organizations involved with the internally displaced were to inform their field staff of his mandate and request them to share with him, on a regular basis, information about internally displaced populations in their areas of activity. The required information should focus on situations in which internally displaced persons are experiencing serious assistance and protection problems. Being apprised of these situations will assist the Representative to decide to which countries it would be most useful to schedule missions and also the kinds of programmes that it would be useful to recommend. The dialogues that the Representative undertakes with Governments in turn could be useful to United Nations agencies on the ground. Humanitarian organizations may find it beneficial to have an outside figure with the moral authority of the international community undertake dialogues on protection issues, especially when they feel constrained from doing so by their assistance roles.

283. There needs to be a more adequate mechanism for follow-up to the visits of the Representative of the Secretary-General to ensure that the recommendations made are implemented in the field. The Representative has been able to rely upon the staff of humanitarian organizations in the field for logistical and support arrangements for his visits. It also would be valuable if their assistance were extended to follow-up activities. Resident representatives, resident coordinators and other United Nations staff could provide information on the extent to which proposals made are carried out or taken into account in the country concerned. Where circumstances preclude the resident coordinator from fulfilling this function, other options might include UNHCR protection or field officers, human rights monitors, or NGOs. The Inter-Agency Task Force on Internally Displaced Persons could also play a role in organizing the monitoring of conditions in particular countries. Such collaborative monitoring should prove beneficial both to those on the ground and to the Representative in carrying out their common objective of seeking to ensure that the essential needs of the internally displaced persons are met.

284. Although it is now generally recognized that an effective inter-agency response must address both the assistance and protection needs of the internally displaced, more needs to be done to integrate protection and assistance activities and strengthen coordination between humanitarian and human rights bodies. Considerable caution continues to characterize the relationship between humanitarian bodies providing assistance and those agencies expected to address protection. Discussions are needed on an inter-agency basis on each serious case of internal displacement so that strategies can be developed on how best to address both protection and assistance. It is generally agreed that lack of protection for internally displaced persons, especially women and children, is one of the most pressing gaps in the international system.

285. Strategies are also needed to introduce development-oriented approaches to situations of internal displacement. Resolving internal conflicts by

removing their root causes implies promoting democratic structures, respect for human rights, and sustainable development. In particular, it means empowering the disenfranchised and marginalized communities to resume control of their local affairs and their own development from within. This can best be complemented by the injection of well-targeted resources to economic and social projects that build on the existing social structures, organizations, and established patterns of living. Where internally displaced populations are intermingled with refugees, returnees and local residents equally in need, projects should be designed to benefit entire communities. Support for development projects at the local level must be seen as more than aiding the poor or the marginalized. It must be viewed as an investment in the social order at its foundation. Special attention will be needed to develop projects that can be undertaken in conditions that do not meet traditional development requirements and to ensure that the economic needs of women, especially female heads-of-household, receive adequate focus and resources. The transference of development skills, income-generating opportunities and the restoration of basic infrastructure could help transform neglected communities and stimulate their recovery and reconstruction. The greater involvement of UNDP, UNIFEM and international financial institutions will prove essential.

286. It is important to restate the importance of addressing the root causes of displacement. Only by efforts to promote the peaceful resolution of internal conflicts can there be effective and durable answers to problems of internal displacement that will permit people to return to their homes and resume their normal lives. Greater coordination among the political, humanitarian, and human rights bodies of the United Nations is required to promote mutually reinforcing solutions to crises of internal displacement. In addition to promoting humanitarian assistance and human rights objectives, the mandate of the Representative could also help encourage peaceful solutions to conflicts. A collaborative approach is the only effective means of resolving the serious situations involved in the crisis of internal displacement.

287. By way of final summation, it should be reiterated that over the last several years, significant progress has been made in generating an international response to the mounting crisis of internal displacement. Nevertheless, the problem still confronts the international community with legal and institutional challenges that must be met with a compelling sense of urgency. On the issue of normative standards, the Commission resolutions on internally displaced persons have already called for the compilation and evaluation of existing legal norms, the determination of whether there are gaps in the law, and the development of guiding principles for bridging those gaps. The issue of institutional responsibility must also be resolved if there is to be a more effective international response when internally displaced persons are in need of the rapid provision of assistance and protection. With the legal and institutional issues resolved, the tasks of those charged with immediate responsibility would then be to develop strategies of international response to the crisis of internal displacement and, in cooperation with appropriate organs, help address the underlying problems of national and regional security, stability and development which generate and are in turn aggravated by dislocations, producing both refugees and internally displaced persons.

Notes

1/ The reports submitted to the Representative by the Refugee Policy Group and the Norwegian Refugee Council have been drawn upon in the preparation of this report. RPG's paper, "Improving Institutional Arrangements for the Internally Displaced", is a preliminary report to be finalized in the course of further study of the subject. NRC's report, "Institutional Arrangements for Internally Displaced Persons: The Ground Level Experience", (1994) is to be published by NRC for distribution at the fifty-first session of the Commission on Human Rights.

2/ Analytical report of the Secretary-General on internally displaced persons (E/CN.4/1992/23).

3/ Norwegian Refugee Council, "Institutional Arrangements for Internally Displaced Persons: The Ground Level Experience". See note 1 above.

4/ See, for example, 1994 World Refugee Survey, United States Committee for Refugees, Washington D.C.; statement of the United Nations High Commissioner for Refugees to the PARINAC Regional Conference in Addis Ababa, 1994; "Internally Displaced Persons in Africa: Assistance Challenges and Opportunities", Refugee Policy Group, Washington D.C., October 1992. RPG notes that its estimates are derived from host country statistics where available, ICRC, United Nations agencies (UNDP, UNHCR, WFP), the Office of United States Foreign Disaster Assistance (OFDA), the country desks of the United States Department of State, and private humanitarian and human rights organizations. "The estimates", it says, "are weak, however, because there is neither an institution charged with collecting the information, nor a consistent methodology applied by the various groups collecting the data". See also Robin Wright, "Millions Adrift in Their Own Lands", The Los Angeles Times, 8 March 1994.

5/ UNHCR, The State of the World's Refugees (1993) at p. 1.

6/ Report of the Secretary-General on the Work of the Organization: Supplement to An Agenda for Peace (A/50/60-S/1995/1), 3 January 1995.

7/ "Displacement or Development: Bridging the Gap", Address by the United Nations High Commissioner for Refugees to the World Bank/International Monetary Fund, Washington D.C., 8 June 1994.

8/ Dr. Michael Toole, Centers for Disease Control, Department of Health and Human Services, testimony before the United States Senate, 3 April 1990, as quoted in "Internally Displaced Women and Children in Africa", Refugee Policy Group, Washington D.C., February 1992.

9/ Larry Minear and Thomas Weiss, Humanitarian Politics, Foreign Policy Association (1994).

10/ Commission on Human Rights resolution 1993/95 of 11 March 1993 on Internally displaced persons.

11/ A United Nations inter-agency mission to Liberia found that many internally displaced women had suffered rape and were also infected with sexually transmitted diseases. See "Support for Women in Internally Displaced Situations, Report of A Joint Mission of UNDP/UNICEF/UNIFEM/WHO/DHA", 18 October-5 November 1993. New York: The UNDP Gender in Development Programme.

12/ See "Sudan: The Lost Boys, Child Soldiers and Unaccompanied Boys in Southern Sudan", Human Rights Watch/Africa, New York, November 1994. See also Bill Keller, "In Mozambique and Other Lands, Children Fight the Wars", The New York Times, 9 November 1994, and "Liberia's Civil War Takes Toll on Children", The New York Times, 29 October 1994.

13/ UNHCR, UNICEF and other United Nations agencies often negotiate access to areas held by insurgent forces. A basic operational principle is to require full and unhindered access to the whole affected population in a given country. In Mozambique, UNICEF negotiated successfully with the Government and with RENAMO for the opening of "corridors of peace" for humanitarian assistance to persons on all sides of the conflict. It was then able to support feeding programmes, health services and the provision of seeds and tools.

14/ See UNIFEM Annual Reports, 1991-1993.

15/ The PARINAC Plan of Action, adopted at a UNHCR-NGO conference in Oslo in June 1994, commits NGOs, together with UNHCR and the Representative, to finding "potential areas of cooperation in specific situations, such as country-specific information gathering and assisting with country visits by the Representative".

16/ Commission resolution 1994/68 called upon relevant rapporteurs, working groups and experts to seek information on situations which could lead to internal displacement and to include relevant information and recommendations thereon in their reports to the Commission (para. 9).

17/ See also resolution 1994/66 in which the Commission called upon special rapporteurs, special representatives and working groups studying situations of violation of human rights to seek information on problems resulting in mass exoduses of populations or impeding their voluntary return home and to include such information, together with recommendations thereon, in their reports to the Commission (para. 4). It also requested the Secretary-General to include in his report a compilation of information and recommendations from human rights mechanisms on problems resulting in mass exoduses of populations or impeding their voluntary return home (para. 15). Such information is included in the report of the Secretary-General on human rights and mass exoduses (E/CN.4/1995/49).

18/ NGOs such as the United States Committee for Refugees, the Refugee Policy Group and the Norwegian Refugee Council have begun to collect information on internal displacement. In the former Yugoslavia, the NGO-UNHCR YugoNet information system was set up in the field (Zaghreb) at an early stage of the emergency. It has been effective in increasing information exchange among NGOs and between NGOs and United Nations agencies on matters dealing with humanitarian needs, human rights issues, and operational coordination efforts.

19/ The General Assembly in its resolution 46/182 on the Strengthening of the coordination of humanitarian emergency assistance of the United Nations reaffirms in paragraph 3 of the annex the principle that assistance should be supplied only in response to an appeal from the affected State and with respect for its territorial integrity. At the same time, however, it authorizes the Emergency Relief Coordinator to "actively facilitate ... access by the operational organizations to emergency areas for the rapid provision of emergency assistance by obtaining the consent of all parties concerned (para. 35 (d))". Obtaining consent appears to carry with it the implicit authority to take action to gain consent.

20/ Security Council resolution 688 (1991) of 5 April 1991. See also "Implications of humanitarian activities for the enjoyment of human rights", (E/CN.4/Sub.2/1994/39), at pp. 8-9; and Louis Henkin, "Humanitarian Intervention" and Roberta Cohen, "Strengthening International Protection for Internally Displaced Persons", in Human Rights: An Agenda for the Next Century, The American Society of International Law, Washington D.C., 1994.

21/ See Richard Plender, "The Legal Basis of International Jurisdiction to Act with Regard to the Internally Displaced", International Journal of Refugee Law, vol. 6, No. 3 at p. 356 seq. (1994). Plender also suggests at p. 353 that with regard to proposals for new normative standards on the right to access to humanitarian assistance it might be easier to amend article 1 (b) of the Draft Convention on Expediting the Delivery of Emergency Assistance.

22/ Concluding Statement of the Seminar on Protection of African Refugees and Internally Displaced Persons of the African Commission on Human and Peoples' Rights, Harare, 16-18 February 1994.

23/ See note 2 above.

24/ See Francis M. Deng, "International Protection of the Internally Displaced", OAU/UNHCR Symposium on African Refugee and Displacement Issues, Addis Ababa, 5-7 September 1994.

25/ See Plender, op. cit.

26/ See NRC, "The Ground Level Experience", op. cit.

27/ UNHCR's Operational Experience with Internally Displaced Persons (September 1994). See also Comprehensive study prepared by Mr. Francis Deng, Representative of the Secretary-General on the human rights issues related to internally displaced persons (E/CN.4/1993/35, annex, para. 50).

28/ Organization of African Unity Convention of 10 September 1969 governing the specific aspects of refugee problems in Africa, United Nations, Treaty Series, vol. 1001, No. 14, 691, entered into force 20 June 1974. The definition reads as follows:

> "1. ... the term 'refugee' shall mean every person who, owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country ... .
>
> "2. The term 'refugee' shall also apply to every person who, owing to external aggression, occupation, foreign domination or events seriously disturbing public order in either part or the whole of his country of origin or nationality, is compelled to leave his place of habitual residence in order to seek refuge in another place outside his country of origin or nationality (emphasis added)."

29/ Cartagena Declaration on Refugees. See Annual Report of the Inter-American Commission on Human Rights, OEA/SER 1/V/II 66, doc. 10 (1984).

30/ "Displaced persons are persons who have been obliged to abandon their homes or usual economic activities because their lives, security or freedom have been endangered by generalized violence, massive violations of human rights, an ongoing conflict or other circumstances which have or are seriously disturbing the public order, but who have remained within their own countries". Cited in the comprehensive study, op. cit., para. 39.

31/ An internally displaced person is "every person who has been forced to migrate within the national territory, abandoning his place of residence or his customary occupation, because his life, physical integrity or freedom has been rendered vulnerable or is threatened due to the existence of any of the following man-caused situations: internal armed conflict, internal disturbances or tensions, widespread violence, massive violations of human rights or other circumstances originating from prior situations that can disturb or disturb drastically public order". Cited in Addendum 1 to the present report, para. 12.

32/ See for instance the definition proposed by Plender: "any person who, owing to well-founded fear of persecution or of death, bodily injury, deprivation of the freedom of the person or of basic necessities of life, attributable to military or paramilitary conflict or other circumstances which seriously disrupt the public order, has been forced to leave his or her home but is not unable to remain within, or to return to, the country of his or her nationality". See Plender, op. cit. See also Rainer Hofmann, Rapporteur for the International Law Association Committee on Internally Displaced Persons, 66th Conference, Buenos Aires, 14-20 August 1994 (paper on file with the Secretariat). Hofmann suggests that the working definition should not include natural or man-made disasters because in these cases there is no lack of assistance and protection from the Government and because if the displaced had crossed an international border, they would not have qualified as refugees since there is no element of persecution. He proposes the following definition: "The term 'internally displaced person' shall apply to every person who, owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group, or owing to external aggression, foreign occupation, armed conflict, internal strife, systematic violations of fundamental human rights, or forcible displacement, has been forced to leave his/her habitual residence; and who is within the territory of his/her own country, the government of which is either not willing or not in a position to effectively protect such person against the commitment of such acts of the effects resulting from such acts or situations".

33/ See Hofmann, ibid.

34/ See NRC, "The Ground Level Experience", op. cit.

35/ See Addendum 1 to the present report, paras. 108 and 110.

36/ See, generally, Luke T. Lee, "Internally Displaced Persons and Refugees: Toward a Legal Synthesis?", (1994), on file with the Secretariat.

37/ See NRC, "The Ground Level Experience", op. cit. See also UNHCR's Operational Experience, op. cit. at pp. 76-77.

38/ See Deng, note 24 above.

39/ Boutros Boutros-Ghali, "The Land Mine Crisis: A Humanitarian Disaster", Foreign Affairs, September/October 1994.

40/ Hofmann, op. cit. See also Maria Stavropoulou, "The Right Not to be Displaced", The American Journal of International Law and Policy, vol. 9, No. 3, Spring 1994.

41/ Statement of the High Commissioner for Human Rights to the UNHCR Executive Committee, 5 October 1994.

42/ "Humanitarianism in the Midst of Armed Conflict", statement by the United Nations High Commissioner for Refugees to the Brookings Institution, Washington D.C., 12 May 1994.

43/ "Protection aspects of UNHCR activities on behalf of internally displaced persons", Report to the Sub-Committee of the Whole on International Protection, Executive Committee of the High Commissioner's Programme, 4 May 1994.

44/ See UNHCR's Operational Experience, op. cit.

45/ UNHCR, "Protection Aspects", op. cit.

46/ Note by the Secretary-General on field representation of the United Nations system organization: a more unitary approach (A/49/133/Add.1) (22 April 1994).

47/ The Inter-Agency Standing Committee is comprised of the heads of UNICEF, UNHCR, WFP, FAO, WHO and UNDP. The International Organization for Migration (IOM) and the Red Cross Movement (both the ICRC and the International Federation of the Red Cross and Red Crescent Societies) also participate in its meetings. NGOs are represented by the International Council of Voluntary Agencies (ICVA) and Inter-Action.

48/ Statement by the United Nations High Commissioner for Refugees to the World Conference on Human Rights, Vienna, 15 June 1994.

49/ "Internally Displaced Persons: Preliminary Findings", Inter-Agency Task Force on Internally Displaced Persons, Geneva, 1993.

50/ "Internally Displaced Persons: The Next Stage", Inter-Agency Standing Committee, Geneva, 5 July 1993.

51/ Minutes of 15 April 1994 meeting of Inter-Agency Task Force on Internally Displaced Persons, Geneva.

52/ See the contributions of WHO, UNDP and FAO to the Inter-Agency Task Force on Internally Displaced Persons, Geneva, 1994.

53/ Statement of the Director of the Department of Humanitarian Affairs to the UNHCR Sub-Committee of the Whole on International Protection, Executive Committee of the High Commissioner's Programme, Geneva, 18 May 1994.

54/ Statement by the representative of ICRC to the UNHCR Sub-Committee of the Whole on International Protection, Executive Committee of the High Commissioner's Programme, Geneva, 18 May 1994.

55/ Statement by the United Nations High Commissioner for Refugees to the fiftieth session of the Commission on Human Rights, Geneva, 9 February 1994.

56/ "Internally Displaced Persons: A WFP Position Paper", World Food Programme, Rome, June 1994.

57/ Frederic Maurice and Jean de Courten, "ICRC Activities for Refugees and Displaced Civilians", International Review of the Red Cross, January-February 1991.

58/ Minear, Larry et al., Humanitarian Action in the Former Yugoslavia: The U.N.'s Role 1991-1993, Thomas J. Watson Jr. Institute for International Studies and Refugee Policy Group, Providence, 1994.

59/ "Plan of Activities of the Centre for Human Rights for the Implementation of the Vienna Declaration and Programme of Action", annex II, Geneva, 10 November 1993 (internal document).

60/ Address of the United Nations High Commissioner for Refugees before the Norwegian Government Round Table Discussion on United Nations Human Rights Protection for Internally Displaced Persons, Norwegian Refugee Council and Refugee Policy Group, Nyon, February, 1993.

61/ Statement by the Representative of the Kingdom of the Netherlands to the forty-fourth session of the UNHCR Executive Committee, Geneva, 1993.

62/ Conclusions of the Executive Committee of the High Commissioner's Programme. See A/AC.96/839, 11 October 1994.

63/ NRC, The Ground Level Experience, op. cit.

64/ The Conference on Security and Cooperation in Europe (CSCE) changed its name to the Organization on Security and Cooperation in Europe (OSCE) on 1 January 1995.

65/ NGOs that participated in the NRC survey proposed that United Nations agencies should develop closer relationships with local and regional authorities. The NGOs' concern is that local authorities are not receiving sufficient support or understanding from the international community when plans are made. In Mozambique NGOs were strong proponents of measures to strengthen the capacity of local authorities. This was a prerequisite for starting the rehabilitation and reintegration activities of returnees and internally displaced persons. International NGOs and the United Nations are now implementing programmes in various parts of the country to achieve this objective.

66/ LINK is one example of coordination. It is an umbrella organization representing NGOs in Mozambique at the national level. A substantial number of its member organizations work on behalf of the internally displaced, mainly in rehabilitation and reintegration programmes. The initiative has been welcomed by United Nations agencies and the Government as it serves as an important channel for information and consultation. Local NGOs, however, have not been as closely involved in the coordination effort as have international NGOs, and some have questioned its too close association with United Nations agencies.

67/ In Central America and the Andean Region, in particular, there are many examples of efforts to institutionalize a ground-level capacity for assessment. UNHCR, for example, asked the Andean Commission of Jurists to carry out an assessment and analysis of the situation of internal displacement in Peru, and it also recently asked international NGOs and the Permanent Consultation (CPDIA) to do the same in Guatemala.

68/ A/47/628, annex, para. 44.

69/ A/48/18, para. 7.

70/ Ibid., para. 12.

71/ Report of the Secretary-General, para. 31. See note 6 above.

72/ International and national NGOs in Sri Lanka agree that the Open Relief Centres, under UNHCR protection to help internally displaced persons and returnees, have reduced tensions in the affected areas and have given civilians in the surrounding area a sense of security. Seeking refuge in the ORCs has not created an obstacle to their right to seek refuge elsewhere.

73/ Roberta Cohen, "Refugee and Internally Displaced Women", paper prepared for the World Bank Special Study, Closing the Gender Gap: Investing in and Releasing the Economic Potential of Women, Washington D.C., 1995.

74/ See UNIFEM Annual Reports, 1991-1993.